



1961

## The Laws of Jamaica, 1960

Jamaica

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THE  
LAWS OF JAMAICA

PASSED IN THE YEAR 1960

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*PUBLISHED BY AUTHORITY*


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THE  
  
LAWS OF JAMAICA

PASSED IN THE YEAR 1960

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## . LAWS OF 1960

- [Came into operation on 1.4.60]*

1. A Law to provide for the establishment of a Corporation to be known as the Jamaica Railway Corporation, for the transfer to the Corporation of the Jamaica Government Railway, for the functions of the Corporation, and for matters connected therewith or incidental thereto.
- [Came into operation on 25.2.60]*

2. A Law to provide for the discharge, modification and interpretation of restrictive covenants affecting land, and for other matters connected therewith.
- [Came into operation on 15.6.60]*

3. A Law to Provide for the establishment of a Committee to be known as the Disciplinary Committee of the Bar Association, for the exercise and performance by such Committee of functions, relating to the discipline of barristers; and for purposes incidental thereto.
- [Came into operation on 1.4.59]*

4. A Law to Provide for the relief of cases of hardship in the application of taxation and rating laws arising from changes in the basis of valuation of land for the purposes of those laws and for matters connected therewith or incidental thereto.
- [Came into operation on 25.2.60]*

5. A Law to Amend the Bastardy Law.
- [Came into operation on 1.4.60]*

6. A Law to Amend the Tax Collection Law.
- [Came into operation on 25.2.60]*

7. A Law to Amend the Medical Law.
- [Came into operation on 25.2.60]*

8. A Law to Amend the Tonnage Tax Law.
- [Came into operation on 25.2.60]*

9. A Law to Amend the Constables (District) Law
- [Came into operation on 1.9.60]*

10. A Law to Amend the Judicature (Supreme Court) Law.
- [Came into operation on 25.2.60]*

11. A Law to Amend the Pioneer Industries (Encouragement) Law.
- [Came into operation on 25.2.60]*

12. A Law to Amend the Industrial Incentives Law, 1956.

## VII

- [Came into operation on 25.2.60]*

13. A Law to Amend the Export Industry Encouragement Law, 1956.
- [Came into operation on 25.2.60]*

14. A Law to repeal the Indian Immigrants Marriage, Divorce and Succession Law.
- [Came into operation on 25.2.60]*

15. A Law to Amend the Road Traffic Law.
- [Came into operation on 31.3.60]*

16. A Law to Amend the Property Tax Law.
- [Came into operation on 11.5.60]*

17. A Law to Amend the Banana Board Law, 1953, for the purpose of reconstituting the Banana Board, and in other respects.
- [Came into operation on 30.4.60]*

18. A Law to Amend the Kingston and St. Andrew Corporation Law.
- [Came into operation on 1.10.60]*

19. A Law to secure the provision of adequate sanitation in certain premises licensed under the Spirit Licence Law.
- [Came into operation on 12.9.60]*

20. A Law Further to amend the Road Traffic Law and to declare the validity of certain acts done thereunder.
- [Came into operation on 6.6.60]*

21. A Law to Provide for the vesting of Crown Lands in the Commissioner of Lands, the vesting of certain other Crown property in the Accountant General and for other matters connected therewith or incidental thereto.
- [Came into operation on 12.5.60]*

22. A Law to Apply a sum out of general revenue to the service of the year ending on the 31st day of March, 1961, and to appropriate the supplies granted in this Session of the Legislature.
- [Came into operation on 12.5.60]*

23. A Law to Amend the United States Bases Law.
- [Came into operation on 12.5.60]*

24. A Law to Amend the Workmen's Compensation Law.
- [Came into operation on 12.5.60]*

25. A Law to Amend the Beach Control Law, 1955.
- [Came into operation on 15.6.60]*

26. A Law to Empower the Development Finance Corporation to issue insurance policies in respect of loans secured by mortgages of dwelling houses and for matters connected therewith or incidental thereto.



# VIII

27. A Law *[Came into operation on 23.5.60]* to Amend the Public Order Law, 1957.
28. A Law *[Came into operation on 3.6.60]* to Validate and Confirm the Jury List settled for the parish of Saint James for the year 1959-60.
29. A Law *[Came into operation on 1.12.60]* to Amend the Minerals (Vesting) Law.
30. A Law *[Came into operation on 16.6.60]* to provide for the establishment of a body to be known as the Scientific Research Council, for the functions thereof, and for purposes incidental to or connected with the foregoing purposes.
31. A Law *[Came into operation on 1.5.61]* to Consolidate and Amend the Law regulating the Business of Banking.  
*[Part I, Part II (excluding section 4), Part III Part VII, Part VIII(excluding section 50) and Schedule came into operation on 1.10.60]*  
*[Section 4, Part IV, Part V, Part VI, section 50 and Part IX came into operation on 1.5.61]*
32. A Law to Provide for the establishment of the Bank of Jamaica, and for purposes connected therewith.
33. A Law *[Came into operation on 16.6.60]* to Amend the Loans to Small Businesses Law, 1956, in order to extend its application to a larger number of businesses and to provide for matters incidental thereto or connected therewith.
34. A Law *[Came into operation on 1.8.60]* to Amend the Trade Law, 1955
35. A Law *[Came into operation on 16.1.61]* to Amend the University College Hospital Law.
36. A Law *[Came into operation on 31.3.60]* Further to Amend the Pioneer Industries (Encouragement) Law.
37. A Law *[Came into operation on 17.6.60]* to Amend the Emergency Powers Law.
38. A Law *[Came into operation on 17.6.60]* to Amend the Holidays (Public General) Law.
39. A Law *[Came into operation on 20.6.60]* to Amend the Electricity (Frequency Conversion) Law, 1957.
40. A Law *[Came into operation on 7.7.60]* to Amend the Criminal Justice (Administration) Law,
41. A Law *[Came into operation on 14.7.60]* to Amend the Rent Restriction Law.

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42. *[Came into operation on 28.7.60]*  
A Law to provide for the trial of certain offences under the Jamaica Railway Corporation Law, 1960, and for related matters.
43. *[Came into operation on 28.7.60]*  
A Law to Amend the Mining Law.
44. *[Came into operation on 4.8.60]*  
A Law to facilitate the establishment of the Bank of Jamaica by bringing different provisions of the Bank of Jamaica Law, 1960, into force at different times.
45. *[Came into operation on 4.8.60]*  
A Law to Amend the Interpretation Law and to repeal the Statutory Instruments Law, 1958.
46. *[Came into operation on 18.8.60]*  
A Law to Repeal the Cayman Islands Commissioner's Law.
47. *[Came into operation on 18.8.60]*  
A Law to Amend the Cayman Islands Government Law.
48. *[Came into operation on 1.10.60]*  
A Law to Amend the Cinematograph Law.
49. *[Came into operation on 18.8.60]*  
A Law to Amend the Customs Law.
50. *[Came into operation on 18.8.60]*  
A Law for the incorporation of The Pentecostal Assemblies of the World of Jamaica and the vesting of property in the Body so incorporated.
51. *[Came into operation on 18.8.60]*  
A Law for the Incorporation of the Gospel Foundation Church of Jamaica and the vesting of property in the Body so incorporated.
52. *[Came into operation on 18.8.60]*  
A Law to Amend the Hotels Aid Law.
53. *[Came into operation on 18.8.60]*  
A Law to provide for the ascertainment by means of a referendum of the opinion of the people of Jamaica with respect to the continued participation of Jamaica in the Federation of the West Indies.
54. *[Came into operation on 20.8.60]*  
A Law to enable the taking of effective measures for the preservation of the public safety, and for related purposes.
55. *[Came into operation on 1.1.59]*  
A Law to Amend the Old Age Pensions and Superannuation Schemes Law, 1958.

56. *[Came into operation on 15.5.61]*  
A Law to Amend the Wild Life Protection Law.
57. *[Came into operation on 22.12.60]*  
A Law to Amend the Agricultural Development Corporation Law.
58. *[Came into operation on 22.12.60]*  
A Law to validate the acts of certain bodies which purported to exercise the functions of Licensing Authorities under the Spirit Licence Law in the several parishes of the Island and to indemnify the persons concerned against legal proceedings.
59. *[Came into operation on 22.12.60]*  
A Law to Amend the Petroleum (Production) Law.
60. *[Came into operation on 21.11.47]*  
A Law to preserve the benefits under certain Pensions Laws and Regulations to the dependants and estates of employees in the public and parochial services and to validate awards made in this connection since the 21st of November, 1947.
61. *[Came into operation on 29.12.60]*  
A Law to Amend the Trade Law, 1955, and to Validate and Confirm certain Orders made thereunder.
62. *[Came into operation on 29.12.60]*  
A Law to Amend the Finger Prints Law.
63. *[Came into operation on 29.12.60]*  
A Law to Amend the Processed Food Law, 1955.
64. *[Came into operation on 29.12.60]*  
A Law to Amend the Counties and Parishes Law.
65. *[Came into operation on 29.12.60]*  
A Law to Repeal the Public Buildings (Superintendence) Law.
66. *[Came into operation on 29.12.60]*  
A Law to Amend the Cayman Islands Administration of Justice Law.
67. *[Came into operation on 29.12.60]*  
A Law to Amend the Land Bonds Law, 1955.
68. *[Came into operation on 1.4.61]*  
A Law to Amend the Tourist Board Law.
69. *[Came into operation on 29.12.60]*  
A Law to Amend the Cruelty to Animals Law.
70. *[Came into operation on 19.1.61]*  
A Law to Repeal the Agricultural Loan Societies Law and to make other provisions in lieu thereof.

## XI

- [*Came into operation on 31.12.60*]
71. A Law to provide for the employment of the West India Regiment in aid of the civil power.
- [*Came into operation on*]
72. A Law to Amend the Constabulary Force Law by providing for the formation of a Constabulary Force Band and for other matters incidental thereto or connected therewith.
- [*Came into operation on*]
73. A Law to Amend the Factories Law.



*Statutes and Laws Repealed, Amended or otherwise Affected  
by Laws 1 to 73 of 1960*

Statutes and Laws repealed or affected	How affected	Number of Law
12, 13 and 14 Geo. VI C.67 (Imp.)	Reference made to by	Law 2 of 1960
Law 15 of 1932 (repealed)	Reference made to by	Law 70 of 1960
Law 25 of 1933 (repealed)	Reference made to by	Law 70 of 1960
Cap. 279 of Revised Edition 1938	Repealed by	Law 31 of 1960
Cap. 343 of 1938 Revised Edition (repealed)	Reference made to by	Law 70 of 1960
Cap. 2	Reference made to by	Law 49 of 1960
Cap. 3	Read and construed as one with Section 3 amended by	Law 57 of 1960
Cap. 4	Part II repealed by Second Schedule repealed by Third Schedule repealed by	Law 70 of 1960
Cap. 5	Reference made to by Repealed by	Law 31 of 1960 Law 70 of 1960
Cap. 29	Repealed by	Law 31 of 1960
Cap. 33	Repealed by	Law 31 of 1960
Cap. 35	Read and construed as one with Section 5 amended by	Law 5 of 1960
Cap. 42	Reference made to by	Law 70 of 1960
Cap. 48	Reference made to by	Law 31 of 1960
Cap. 52	Reference made to by	Law 1 of 1960

## XIII

*Statutes and Laws Repealed, Amended or otherwise Affected by  
Laws 1 to 73 of 1960*

Statutes and Laws repealed or affected	How affected	Number of Law
Cap. 56	Read and construed as one with Section 2 amended by Amended by the insertion next after section 2 of new section 2A, by Section 3 amended by Section 10 amended by Amended by addition of a Schedule after section 13, by	Law 48 of 1960
Cap. 67	Repealed by	Law 21 of 1960
Cap. 69	Reference made to by	Law 31 of 1960
Cap. 70	Read and construed as one with Section 16 amended by	Law 9 of 1960
Cap. 72	Reference made to by  Read and construed as one with Amended by the insertion next after section 89 of Part VI, by	Law 54 of 1960  Law 72 of 1960
Cap. 80	Read and construed as one with Section 4 amended by	Law 64 of 1960
Cap. 83	Read and construed as one with Amended by the insertion there- in next after section 23 of new sections as sections 23A, 23B and 23C, by  Reference made to by	Law 40 of 1960  Law 62 of 1960
Cap. 86	Read and construed as one with Section 15 repealed and re- placed by	Law 69 of 1960
Cap. 87	Repealed by	Law 32 of 1960
Cap. 88	Repealed by	Law 32 of 1960
Cap. 89	Read and construed as one with Amended by the insertion next after section 127C of new section 127D, by	Law 49 of 1960
Cap. 90	Reference made to by	Law 62 of 1960



## XIV

*Statutes and Laws Repealed, Amended or otherwise Affected by  
Laws 1 to 73 of 1960*

Statutes and Laws repealed or affected	How affected	Number of Law
Cap. 96	Reference made to by	Law 62 of 1960
Cap. 107	Reference made to by	Law 53 of 1960
Cap. 111	Construed as one with Section 2 repealed and re- placed by	Law 37 of 1960
Cap. 118	Reference made to by Section 33 amended by	Law 3 of 1960 Law 31 of 1960
Cap. 124	Read and construed as one with Section 11 amended by	Law 73 of 1960
Cap. 128	Read and construed as one with Section 3 repealed and a new section substituted therefor, by Section 4 amended by Section 7 amended by Amended by the addition im- mediately after section 8 of new section as section 9, by Amended by the insertion of Schedule, by	Law 62 of 1960
Cap. 129	Reference made to by	Law 62 of 1960
Cap. 135	Section 2 amended by	Law 32 of 1960
Cap. 137	Reference made to by	Law 62 of 1960
Cap. 139	Reference made to by	Law 31 of 1960
Cap. 145	Reference made to by	Law 25 of 1960
Cap. 148	Read and construed as one with Amended by the addition next after section 13 of a new section as section 14, by Schedule amended by	Law 38 of 1960
Cap. 152	Read and construed as one with Section 2 amended by Section 9A amended by Amended by the insertion next after section 9A of new sections as sections 9B, 9C, 9D and 9E, by Section 10 amended by Section 11 amended by	Law 52 of 1960

*Statutes and Laws Repealed, Amended or otherwise Affected by  
Laws 1 to 73 of 1960*

Statutes and Laws repealed or affected	How affected	Number of Law
Cap. 157	Repealed by	Law 14 of 1960
Cap. 159	Reference made to by Reference made to by	Law 31 of 1960 Law 70 of 1960
Cap. 165	Reference made to by  Read and construed as one with Section 3 amended by Section 12 amended by Amended by the insertion next after section 19 of new section as section 19A, by Amended by the insertion next after section 26 of new sec- tion as section 26A, by	Law 17 of 1960  Law 45 of 1960
	Reference made to by Reference made to by	Law 54 of 1960 Law 68 of 1960
Cap. 171	Repealed by	Law 3 of 1960
Cap. 174	Repealed by	Law 1 of 1960
Cap. 178	Section 6 repealed by	Law 10 of 1960
Cap. 180	Read and construed as one with Amended by the insertion next after section 12 of a new section as section 12A, by	Law 10 of 1960
Cap. 186	Reference made to by	Law 28 of 1960
Cap. 192	Reference made to by	Law 1 of 1960 Law 2 of 1960
	Read and construed as one with Amended by the insertion next after section 216A of a new section as section 216B, by	Law 18 of 1960
Cap. 193	Reference made to by	Law 15 of 1960
Cap. 207	Reference made to by	Law 1 of 1960 Law 18 of 1960

*Statutes and Laws Repealed, Amended or otherwise Affected by  
Laws 1 to 73 of 1960*

Statutes and Laws repealed or affected	How affected	Number of Law
Cap. 227	Reference made to by	Law 67 of 1960
Cap. 236	Reference made to by	Law 25 of 1960
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Cap. 253	Read and construed as one with Section 2 amended by Amended by the insertion next after section 45 of new sections as sections 45A and 45B, by Section 14 amended by Section 81 amended by References to Governor in Council or Governor in Exe- cutive Council to be con- strued as references to Minister by	
Cap. 266	Reference made to by	Law 62 of 1960
Cap. 273	Reference made to by	Law 15 of 1960
Cap. 276	Reference made to by	Law 1 of 1960
Cap. 285	Reference made to by Reference made to by	Law 1 of 1960 Law 60 of 1960
Cap. 286	Reference made to by	Law 1 of 1960
Cap. 287	Reference made to by	Law 60 of 1960
Cap. 292	Reference made to by	Law 21 of 1960
	Read and construed as one with Section 14 amended by Schedule added to by	} Law 59 of 1960

## XVII

*Statutes and Laws Repealed, Amended or otherwise Affected by  
Laws 1 to 73 of 1960*

Statutes and Laws repealed or affected	How affected	Number of Law
Cap. 294	Read and construed as one with Section 5 amended by	} Law 11 of 1960
	Read and construed as one with Section 4 amended by	
Cap. 312	Reference made to by	Law 1 of 1960
	Read and construed as one with Section 2 amended by	} Law 16 of 1960
Cap. 315	Reference made to by	
Cap. 317	Repealed by	Law 65 of 1960
Cap. 339	Reference made to by	Law 4 of 1960
Cap. 340	Reference made to by	Law 2 of 1960
		Law 21 of 1960
		Law 43 of 1960
		Law 70 of 1960
Cap. 341	Read and construed as one with Amended by the insertion next after section 3 of a new section as section 3A, by Section 18 amended by Amended by the insertion next after section 18 of a new section as section 18A, by	} Law 41 of 1960
Cap. 342	Reference made to by	
Cap. 346	Reference made to by	Law 1 of 1960
	Read and construed as one with Section 51 amended by Section 81 amended by Amended by the insertion next after section 81 of a new section as section 81A, by	} Law 15 of 1960
	Read and construed as one with Amended by the insertion next after section 3 of a new section as section 3A, by Amended by the insertion next after section 5 of a new section as section 5A, by	
		Law 20 of 1960



*Statutes and Laws Repealed, Amended or otherwise Affected by  
Laws 1 to 73 of 1960*

Statutes and Laws repealed or affected	How affected	Number of Law
Cap. 346 ( <i>contd</i> )	Reference made to by	Law 62 of 1960
Cap. 364	Read and construed as one with Section 19 amended by Reference made to by	Law 19 of 1960 Law 58 of 1960
Cap. 373	Reference made to by	Law 55 of 1960
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Cap. 399	Read and construed as one with Section 5 amended by	Law 23 of 1960
Cap. 400	Construed as one with Section 5 amended by Section 6 amended by Section 9 repealed and a new section substituted therefor, by Section 10 amended by Schedule repealed by	Law 35 of 1960
Cap. 401	Reference made to by	Law 62 of 1960
Cap. 413	Read and construed as one with Section 2 amended by Amended by the insertion im- mediately after section 4 of new section 4A, by Section 6 repealed and re- placed by Second Schedule repealed and replaced by	Law 56 of 1960
Cap. 418	Read and construed as one with Section 2 amended by Section 5 amended by Section 6 amended by Section 7 amended by Section 10 amended by Section 13 amended by Section 17 amended by Section 24 amended by	Law 24 of 1960

## XIX

*Statutes and Laws Repealed, Amended or otherwise Affected by  
Laws 1 to 73 of 1960*

Statutes and Laws repealed or affected	How affected	Number of Law
Cap. 418 ( <i>contd.</i> )	Section 25 amended by Section 26 amended by Section 27 repealed and a new section substituted therefor, by Section 29 amended by Amended by the insertion there- in after section 35 of a new section as section 35A, by Amended by the addition thereto of new sections as sections 40 and 41, by Schedule repealed and a new Schedule substituted there- for, by	Law 24 of 1960
Cap. 419	Reference made to by	Law 25 of 1960
Cap. 421	Read and construed as one with Section 114 amended by	Law 66 of 1960
Cap. 423	Repealed by	Law 46 of 1960
Cap. 425	Reference made to by	Law 29 of 1960
	Read and construed as one with Section 3 repealed by	Law 47 of 1960
Law 24 of 1953	Construed as one with Section 2 amended by Section 3 amended by Section 4 repealed and a new section substituted therefor, by Section 10 repealed and a new section substituted therefor, by Section 12 amended by Section 13 amended by Section 14 amended by Section 18 amended by Section 22 amended by Sections 5, 6, 7 and 11 repeal- ed by Amended by deleting the words "Governor in Council" and substituting therefor the words "the Minister", by	Law 17 of 1960



*Statutes and Laws Repealed, Amended or otherwise Affected by  
Laws 1 to 73 of 1960*

Statutes and Laws repealed or affected	How affected	Number of Law
Law 61 of 1954	Read and construed as one with Section 2 amended by Section 3 amended by the de- letion of subsections (2) and (3) and the substitution of a new subsection (2), by Section 4 repealed and replaced by Section 5 repealed and replaced by Section 8 repealed by Section 9 repealed by Section 12 amended by Section 13 amended by	Law 68 of 1960
Law 4 of 1955	Read and construed as one with Schedule amended by	Law 34 of 1960
	Reference made to by Section 5 amended by	Law 61 of 1960
Law 32 of 1955	Read and construed as one with Section 11 amended by	Law 63 of 1960
Law 48 of 1955	Read and construed as one with Section 11 amended by Schedule amended by the addition thereto of paragraph (e), by	Law 67 of 1960
Law 63 of 1955	Read and construed as one with Long title amended by Section 3 amended by Amended by the insertion therein next after section 6 of a heading and new section as section 6A, by Section 11 repealed and a new section substituted therefor, by Section 12 repealed by Section 18 amended by Section 24 amended by Section 25 repealed by Section 28 amended by Section 29 amended by Section 32 amended by	Law 25 of 1960

*Statutes and Laws Repealed, Amended or otherwise Affected by  
Laws 1 to 73 of 1960*

Statutes and Laws repealed or affected	How affected	Number of Law
Law 63 1955 ( <i>contd.</i> )	Section 33 amended by Section 45 amended by Section 54 amended by Amended by the substitution of the words "the Minister" for the words "the Governor in Council," by	Law 25 of 1960
Law 67 of 1955	Reference made to by	Law 21 of 1960 Law 26 of 1960
Law 6 of 1956	Read and construed as one with Sections 2 and 5 amended by	Law 33 of 1960
Law 17 of 1956	Reference made to by	Law 61 of 1960
Law 38 of 1956	Reference made to by	Law 61 of 1960
Law 45 of 1956	Read and construed as one with Section 4 amended by Section 12 amended by Section 13 amended by Section 15 amended by Marginal note to section 19 inserted by	Law 12 of 1960
	Reference made to by	Law 13 of 1960
Law 49 of 1956	Read and construed as one with Section 4 amended by Section 12 amended by Section 15 amended by	Law 13 of 1960
Law 73 of 1956	Reference made to by	Law 4 of 1960
Law 3 of 1957	Read and construed as one with Section 2 amended by Section 4 amended by Section 9 amended by Section 10 amended by	Law 39 of 1960
Law 28 of 1957	Reference made to by	Law 25 of 1960
Law 42 of 1957	Reference made to by	Law 2 of 1960
Law 44 of 1957	Construed as one with Section 2 amended by	Law 27 of 1960
	Reference made to by	Law 62 of 1960

## XXII

*Statutes and Laws Repealed, Amended or otherwise Affected by  
Laws 1 to 73 of 1960*

Statutes and Laws repealed or affected	How affected	Number of Law
Law 3 of 1958	Repealed by	Law 21 of 1960
Law 38 of 1958	Repealed by	Law 45 of 1960
Law 63 of 1958	Read and construed as one with Section 4 amended by Section 6 amended by Schedule amended by	Law 55 of 1960
Law 71 of 1958	Reference made to by	Law 73 of 1960
Law 34 of 1959	Reference made to by	Law 21 of 1960
Law 42 of 1959	Reference made to by	Law 26 of 1960
Law 1 of 1960	Construed as one with Amended by the insertion next after section 73 of a new section as section 73A, by	Law 42 of 1960
Law 31 of 1960	Reference made to by	Law 32 of 1960
Law 32 of 1960	Reference made to by	Law 31 of 1960 Law 44 of 1960
Law 34 of 1960	Reference made to by	Law 61 of 1960

*List of Laws passed in previous years and not proclaimed up to 31st  
December, 1960*

## 1950

Law 19 of 1950. The Phosphates (Control of Exportation) Law, 1960.

## 1951

Law 6 of 1951. The Stamp Duty (Bills of Exchange) (Higher Rate)  
(No. 2) Law, 1951.

## 1957

Law 27 of 1957. The Shops and Offices Law, 1957.

## 1958

Law 71 of 1958. The Factories (Amendment) Law, 1958.

- Law 12 of 1959. The Jamaica Military Band Law, 1959.  
 Law 13 of 1959. The Port Authority Law, 1959.  
 Law 57 of 1959. The Underground Water Control Law, 1959.

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*List of Laws proclaimed during 1960*

		Gazette	Operation
Law 69 of 1958	The Cayman Islands Government (Amendment) Law, 1958.	30.4.60	3.5.60
Law 56 of 1959.	The Judicature (Prerogative Writs) (Abolition) Law, 1960.	18.2.60	22.2.60
Law 1 of 1960.	The Jamaica Railway Corporation Law, 1960.	28.3.60	1.4.60
Law 3 of 1960.	The Bar Regulation Law, 1960.	8.6.60	15.6.60
Law 10 of 1960.	The Judicature (Supreme Court) (Amendment) Law, 1960.	1.9.60	1.9.60
Law 17 of 1960.	The Banana Board (Amendment) Law, 1960.	11.5.60	11.5.60
Law 19 of 1960.	The Spirit Licence (Amendment) Law, 1960.	18.8.60	1.10.60
Law 20 of 1960.	The Road Traffic (Amendment) (No. 2) Law, 1960.	9.9.60	12.9.60
Law 21 of 1960.	The Crown Property (Vesting) Law, 1960.	1.6.60	6.6.60
Law 26 of 1960.	The Mortgage Insurance Law, 1960.	15.6.60	15.6.60
Law 29 of 1960.	The Minerals (Vesting) (Amendment) Law, 1960.	1.12.60	1.12.60
Law 32 of 1960.	The Bank of Jamaica Law, 1960 (Part I, Part II (excluding section 4), Part III, Part VII, Part VIII (excluding section 50) and Schedule)	17.9.60	1.10.60
Law 48 of 1960.	The Cinematograph (Amendment) Law, 1960.	1.10.60	1.10.60

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*List of Laws passed in 1960 but not proclaimed up to 31st December, 1960*

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- Law 31 of 1960. The Banking Law, 1960.  
 Law 32 of 1960. The Bank of Jamaica Law, 1960 (Section 4, Part IV, Part V, Part VI, section 50 and Part IX).  
 Law 35 of 1960. The University College Hospital (Amendment) Law, 1960.  
 Law 56 of 1960. The Wild Life Protection (Amendment) Law, 1960.  
 Law 70 of 1960. The Agricultural Credit Board Law, 1960.  
 Law 72 of 1960. The Jamaica Constabulary Force Band Law, 1960.  
 Law 73 of 1960. The Factories (Amendment) Law, 1960.







# THE JAMAICA RAILWAY CORPORATION LAW

(Law 1 of 1960)

## Arrangements of Sections

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SCHEDULE

*Constitution and Procedure of the Corporation.*



No. 1—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

24th February, 1960

A LAW to provide for the establishment of a Corporation to be known as the Jamaica Railway Corporation, for the transfer to the Corporation of the Jamaica Government Railway, for the functions of the Corporation, and for matters connected therewith or incidental thereto.

[The date of any Proclamation issued by the Governor bringing the Law into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

#### PART I.

##### *Preliminary*

1—This Law may be cited as the Jamaica Railway Corporation Law, 1960, and shall come into operation on a day to be appointed by the Governor by Proclamation published in the *Gazette*. Short title and commencement.

2—In this Law unless the context otherwise requires the expression— Interpretation.

“agreement” means an agreement enforceable in law;



“baggage” includes such articles as are usually carried by passengers for their personal use or convenience and such other articles as may be declared by the Corporation to be baggage;

“chairman” means the chairman of the Corporation;

“charges other than rates and fares” means demurrage, dues, fees, storage, terminals and tolls and any charges, not being rates or fares, for any service performed, facility provided, penalty imposed, or licence, permit or certificate granted; and for the purposes of this definition “terminals” includes charges in respect of cranes, depots, sidings, stations, warehouses, wharves and other similar matters and of any services rendered thereat;

“Corporation” means the Corporation established in accordance with this Law;

“debenture” includes debenture stock;

“fare” means any charge for conveying passengers;

“financial year” in relation to the Corporation means a period of twelve months beginning on the 1st day of January in any year; provided that the period beginning on the vesting day and ending on the thirty-first day of December next following shall be deemed to be a financial year;

“functions” includes powers and duties;

“general manager” means the general manager of the Corporation;

“goods” includes animals whether alive or dead, baggage, merchandise, parcels, perishables, vehicles and any other movable property;

“intoxication” includes the state of being under the influence of drugs, and grammatical variations of that expression, and cognate expressions, shall be construed accordingly;

“perishables” means goods liable to rapid deterioration and includes bread, butter, cheese, eggs, fish, fruit, game, meat, milk, plants, vegetables and any other thing which may be declared by the Corporation to be perishable goods;

“railway” includes—

- (a) all immovable property, rolling stock, machinery, road vehicles, vessels, rafts, and other movable property, owned or used by the Corporation for or in connection with the public carriage of passengers and goods by road, rail or inland waterway; and
- (b) a railway under construction by or for the Corporation;

“railway land” means land vested in or in the possession of the Corporation for the purposes of the railway;

“railway servant” means any person employed by the Corporation in connection with the service or construction of a railway, but does not include an independent contractor;

“rate” means any charge for receiving, forwarding, conveying or delivering goods;

“route mileage” means the distance between the terminal points of main and branch lines of railway measured along the centre line of the main or branch line, but does not include any siding;

“secretary” means the secretary of the Corporation;

“stock” includes shares but does not include debentures;

“vehicle” includes, a “motor vehicle” as defined in section 2 of the Road Traffic Law, and any bicycle, car, carriage, cart, handcart, perambulator, tricycle, van or waggon and any other Cap. 346.

vehicle used or intended to be used for the conveyance of persons or goods;

“vesting day” means the day appointed by the Minister under section 22 of this Law.

## PART II

### *Establishment, Duties and Powers of the Corporation*

Establishment of Jamaica Railway Corporation.

3—(1) For the purposes of this Law there shall be established a body to be known as the Jamaica Railway Corporation.

Schedule.

(2) The provisions of the Schedule to this Law shall have effect with respect to the constitution and operations of the Corporation and otherwise in relation thereto.

(3) The Corporation shall be a body corporate having perpetual succession and a common seal with power to purchase, take, hold and dispose of land and other property of whatever kind for the purposes of this Law.

(4) The Corporation may sue and be sued in its corporate name and may for all purposes be described by such name.

(5) The seal of the Corporation shall be authenticated in the manner provided by the Schedule to this Law and shall be officially and judicially noticed.

(6) A member of the Corporation shall not be personally liable for any act or default of the Corporation done or omitted to be done in good faith in the course of the operations of the Corporation.

Delegation of functions.

4—(1) The Corporation may delegate to the general manager such of its functions under this Law as are necessary to enable him to transact effectively the day to day business of the Corporation.

(2) The general manager may, unless otherwise directed by the Corporation, delegate to any railway



servant or agent any of the functions delegated to the general manager under subsection (1) of this section.

5—The Corporation shall furnish to the Minister such information relating to the discharge of its functions and its property and finances, including financial, statistical and other returns, as the Minister may from time to time require and, in particular, the statements and reports required by Part VI of this Law.

Duty to furnish information.

6—(1) The Minister may, after consultation with the chairman, give to the chairman directions of a general character as to the discharge by the Corporation of its functions in relation to matters appearing to the Minister to be of substantial public importance, and the Corporation shall give effect to all such directions.

Power to give directions to the Corporation.

(2) Whenever in the opinion of the Minister it is necessary for the public safety that there should be gates and turnstiles across a public road at the point crossed by the railway on a level it shall be lawful for him to require the Corporation to erect such gates and turnstiles, and thereafter the Corporation shall erect and maintain such gates and turnstiles in working order.

7—(1) It shall be the duty of the Corporation—

- (a) to manage and operate in accordance with this Law the railway thereby transferred to the Corporation and any expansion or extension thereof and any new railway and to provide all reasonable facilities for carriage by the Corporation of passengers and goods:

General duties of Corporation.

Provided that the Corporation shall not be under an obligation to continue or introduce any particular service or facility which is uneconomic, or which appears to the Corporation unlikely to provide within a reasonable time adequate revenue to meet the cost to the Corporation of providing



that service or facility, unless the Minister so directs, in which event the Corporation may be reimbursed from the general revenue of the Island the amount by which it is proved to the satisfaction of the Minister that the revenue received from the service or facility in respect of any financial year is less than the amount of the charges properly chargeable to revenue in respect of that year and attributable to that service or facility;

- (b) to control the expenditure of the Corporation whether on revenue or capital account;
- (c) so to conduct the affairs of the Corporation as to ensure that, so far as practicable, the annual revenues of the Corporation are, taking one financial year with another, sufficient to meet all charges properly chargeable to revenue; and
- (d) to direct and control any expansion or extension of the railway and the construction of any new railway.

(2) In framing programmes of reorganisation or development involving substantial outlay on capital account, the Corporation shall act in accordance with a policy settled from time to time with the approval of the Minister.

(3) For the purposes of this section the expression "charges properly chargeable to revenue" includes the charges referred to in section 27 of this Law.

Obligations  
under exist-  
ing agree-  
ments.

8—(1) From and after the vesting day the Corporation shall maintain the fences erected and maintained on each side of the railway and existing at that day, with such accommodation bridges, level crossings and other works as may have been fixed by agreement with the owners of lands at the time when the amount of compensation to which they were entitled was settled under the Lands Clauses Law

Provided that fences of the same type as those heretofore erected and maintained shall be considered sufficient for all purposes.

(2) If at any time the owner of any such land adjoining the railway shall require any additional bridge, level crossing or other accommodation work beyond those fixed by agreement as aforesaid, the Corporation shall, on such owner entering into an agreement to pay the entire cost of such work and of its maintenance, carry out such work, or permit it to be carried out according to designs and specifications to be approved by the Corporation, and to its satisfaction.

9—(1) Subject to subsection (3) of this section, the Corporation shall make and at all times thereafter maintain the following works for the accommodation of the owners and occupiers of lands adjoining the railway, that is to say—

Accommodation works.

- (a) such and so many convenient gates, bridges, arches, culverts and passages over, under, or by the sides of or leading to or from the railway, as shall be necessary for the purpose of making good any interruptions caused by the railway to the use of the lands through which the railway is made; and such works shall be carried out forthwith after the part of the railway passing over such lands has been laid out or formed, or during the formation thereof; and
- (b) sufficient posts, rails, hedges, ditches, mounds, or other fences for separating the land taken for the use of the railway from the adjoining lands not so taken and for protecting such lands from trespass, or the cattle of the owners or occupiers thereof from straying thereout by reason of the railway, together with all necessary gates made to open towards such adjoining lands and not towards the railway, and all necessary stiles; such posts, rails, and other fences to be made



forthwith after the taking of any such lands, if the owners thereof so require, and such other works to be carried out as soon as conveniently may be; and

- (c) all necessary arches, tunnels, culverts, drains or other passages either over or under or by the sides of the railway, of such dimensions as will be sufficient at all times to convey the water as clearly from the lands lying near or affected by the railway as before the making of the railway, or as nearly so as may be; such works to be made from time to time as the railway works proceed.

(2) Notwithstanding the provisions of subsection (1) of this section if any of the owners or occupiers of lands affected by the railway at any time requires any accommodation works additional to those made by the railway in accordance with those provisions the Corporation shall, subject to subsection (3) of this section, on such owner or occupier entering into an agreement to pay the entire cost of such works and of their maintenance, make such works, or permit them to be made according to designs and specifications to be approved by the Corporation, and to its satisfaction.

(3) The Corporation shall not be required—

- (a) to carry out any accommodation works under subsection (1) of this section—
  - (i) with respect to which compensation has by agreement been paid to the owners and occupiers of the lands affected; or
  - (ii) with respect to which the owners and occupiers of the lands affected have made no representations during the course of the construction of the section of the railway concerned; or

- (b) to carry out or permit to be carried out any such accommodation works or additional accommodation works as are referred to in the foregoing provisions of this section, in such a manner as would prevent or obstruct the working or use of the railway.

(4) The foregoing provisions of this section shall apply only to railway works executed by the Corporation after the vesting day.

10—(1) Subject to the provisions of this Law, the Corporation shall have power—

General  
powers of  
the Corpora-  
tion.

- (a) to carry goods and passengers by rail, road and inland waterway within Jamaica;
- (b) to store goods;
- (c) to consign goods on behalf of other persons from any place in Jamaica to any other place, whether within Jamaica or elsewhere;
- (d) to provide for passengers carried by the Corporation and other persons using the services performed or the facilities provided by the Corporation such other amenities and facilities as may appear to the Corporation requisite or expedient.

(2) Subject to the provisions of this Law, the powers conferred by subsection (1) of this section shall include all such powers as are necessary or advantageous and proper for the purposes of the Corporation and in particular, but without prejudice to the generality of the foregoing, shall include power—

- (a) to carry on any business necessary or desirable to be carried on for the purposes of the Corporation;
- (b) to sell, let or otherwise dispose of any property of the Corporation, movable or immovable, which



in the opinion of the Corporation is not necessary for the purposes of the Corporation;

- (c) to enter into agreements with any person for the performance or the provision by that person of any of the services or facilities which may be performed or provided by the Corporation;
- (d) where it appears to the Corporation to be essential so to do, to provide suitable accommodation for persons employed by the Corporation;
- (e) to sell food and drink, including alcoholic beverages, on railway premises and on carriages at such times and on such conditions as the Corporation may think fit;
- (f) to do anything for the purpose of advancing the skill of persons employed by the Corporation or the efficiency of the equipment of the Corporation or of the method of operating that equipment including the provision of facilities for training, education and research;
- (g) to make reasonable provision by grants loans or otherwise for purposes conducive to the welfare of persons employed by the Corporation;
- (h) to establish, maintain and work a telecommunication service for the use of the Corporation; and
- (i) generally to do any other thing, or carry on or arrange for the carrying on of any business ancillary or incidental to the functions of the Corporation which, in the opinion of the Corporation, is in the interest of the public or of the due performance of those functions.

(3) This section shall not be construed as limiting any power of the Corporation conferred by or under any other provision of this Law.

11—The Corporation shall have power from time to time—

Power to  
fix rates,  
fares and  
other  
charges.

- (a) subject to such upper limits as may be determined by the Minister, to fix rates and fares;
- (b) to fix charges other than rates and fares;
- (c) to enter into agreements for the carriage of goods at rates lower than the rates fixed under paragraph (a) of this section but subject to such other charges and conditions, if any, as the Corporation thinks fit;
- (d) to convey passengers at fares lower than the fares fixed under paragraph (a) of this section but subject to such conditions, if any, as the Corporation thinks fit, other than a condition exempting the Corporation from liability for injury to any person caused by the negligence of the Corporation, its servants or agents;
- (e) for any particular purpose, or on any particular occasion, or in any particular circumstance, and subject to any conditions the Corporation thinks fit, to remit in whole or in part any rate, fare or other charge fixed under paragraph (a) or paragraph (b) of this section;
- (f) in circumstances requiring the Corporation to render services additional to those normally provided by it in respect of the carriage of goods or passengers, and notwithstanding that an upper limit has been determined by the Minister under paragraph (a) of this section, to fix a rate or fare higher than such upper limit,

and to levy any rate, fare, or other charge fixed under any of the provisions of this section.

12—The Corporation may (in addition to fixing charges other than rates and fares under the provisions of section 11 of this Law) impose conditions not inconsistent with the provisions of this Law for the holding of goods left

Conditions  
for holding  
goods on  
railway.



upon a railway before or after carriage or for warehousing or in any other circumstances whatsoever.

Provision of additional facilities for traffic.

13—(1) The Corporation may provide and maintain—

- (a) footways and roadways on any of its bridges for the passage of persons or vehicles;
- (b) piers and wharves for the accommodation of traffic;
- (c) other facilities for the accommodation of traffic.

(2) The Corporation may (in addition to fixing charges other than rates and fares under the provisions of section 11 of this Law) impose conditions not inconsistent with the provisions of this Law in respect of traffic using such footways, roadways and facilities as aforesaid.

Alteration of pipes, wires and drains.

14—Subject to section 16 of this Law, the Corporation may, for the purpose of exercising the powers conferred on it by this Law, alter the level or position of any pipe, conduit, drain, electric wire or post.

Temporary entry upon land for purpose of preventing accident or repairing damage.

15—Subject to section 16 of this Law, the Corporation may, in case of any slip or other accident happening or being apprehended to any cutting, embankment or other work under the control of the Corporation, enter upon any lands adjoining the railway for the purpose of preventing such accident or of repairing damage caused thereby, and may do all such works as may be necessary for the purpose.

Notice of entry and compensation in relation to sections 14 and 15.

16—(1) In the exercise of the powers conferred by sections 14 and 15 of this Law the Corporation shall, when practicable, give notice of the intention to enter upon any occupied land to the occupier thereof, and shall do as little damage as possible, and shall pay compensation for any damage caused by the exercise of those powers.

(2) In the event of dispute as to the amount of any compensation payable under this section, the amount of the compensation may be determined by the Resident Magistrate having jurisdiction in respect of the place where the land is situated.

17—(1) An officer duly authorised in that behalf by the Corporation, if there appears to him to be danger that a tree standing near a railway may fall on the railway so as to obstruct traffic, or may obstruct the view of any fixed signal, may fell the tree or deal with it in such other manner as will avert the danger or remove the obstruction, as the case may be.

Removal of trees obstructing working of railway.

(2) When the power conferred by subsection (1) of this section is exercised in respect of a tree on land other than railway land, if the tree was in existence before the railway was constructed or the signal was fixed near the place where the tree was standing, the Corporation shall pay compensation to the person entitled thereto.

(3) In the event of dispute as to the amount of any compensation payable under this section the amount of compensation may be determined by the Resident Magistrate having jurisdiction in respect of the place where the land is situate.

18—It shall be unlawful for any person, without the consent of the Minister, to construct or operate a railway for the public carriage of passengers or goods within Jamaica.

Construction of railways by persons other than the Corporation.

### PART III

#### *Further Powers in relation to Land*

19—(1) Whenever it appears to the Corporation that land in any locality is likely to be needed for any purposes of the railway, the Corporation, after giving notice to the occupier of such land of its intention so to do, by its servants or agents, together with all necessary workmen—

Preliminary investigation of land required for railway purposes.

(a) may enter upon any land in such locality;

(b) may—

- (i) survey and take levels of such land;
- (ii) dig or bore under the subsoil;
- (iii) do all other acts necessary to ascertain whether the land is adapted for such purposes;



- (c) may clear, set out and mark the boundaries of the land which the Corporation proposes to acquire and the intended line of work (if any) proposed to be made therein;
- (d) may mark such levels, boundaries and line by placing marks and cutting trenches; and
- (e) may cut down and clear away any standing crop, fence, bush or woodland, whose removal is necessary to enable the survey to be completed, the levels taken or the boundaries or line of the work marked;

so, however, that no such servant, agent or workman shall enter into any building or upon any enclosed court or garden attached to a dwelling house (except with the consent of the occupier thereof) unless at least seven days' notice of the intended entry has been given to such occupier.

(2) As soon as conveniently may be after any entry made under subsection (1) of this section the Corporation shall pay compensation for all damage arising out of the exercise of any power conferred by that subsection.

(3) In case of dispute as to the amount of any compensation payable under this section, the amount of the compensation may be determined by the Resident Magistrate having jurisdiction in respect of the place where the land is situated.

Power to  
acquire land  
under the  
Lands  
Clauses  
Law.  
Cap. 207.

20—(1) For the purpose of carrying out this Part of this Law, it shall be lawful for the Corporation to acquire land under the Lands Clauses Law.

(2) The Lands Clauses Law is incorporated with this Part of this Law, except sections 11, 12, 16, 17, 85, 89, 90, 91, 92, 93, 94, 102, 104, 105, 106 and except in so far as that Law is inconsistent with or varied by the provisions of this Law.

(3) If in any case compensation should be demanded for the alienation of any land required for the purposes of

the railway and proceedings should arise for the assessment of such compensation under the Lands Clauses Law the valuing authority named and provided in that Law shall, before making an award, estimate the advantage as well as the disadvantage likely to accrue to the adjoining land, if any, of the claimant for compensation on account of the operating of the railway and shall reduce the compensation by the value of such advantage but so however that nominal compensation shall in all cases be payable. Cap. 207.

21—The Corporation shall not without the approval of the Minister alienate, mortgage, charge or demise any immovable property vested in the Corporation under any of the provisions of this Law. Restriction on alienation.

## PART IV

### *Transfer of Assets and Liabilities*

22—Upon a day to be appointed by the Minister by notice in the *Gazette* by virtue of this section and without further assurance there shall be transferred to and vested in the Corporation— Transfer of rights and powers, assets and liabilities

- (a) all the rights, powers and privileges for carrying on and regulating and maintaining the business of the Jamaica Government Railway which are vested in the Governor by section 2 of the Jamaica Government Railway Law and by any other Law of this Island; Cap. 174.
- (b) all the assets of the Jamaica Government Railway of whatsoever kind and wheresoever situated which are the property of the Government vested in the Governor, or the Chief Secretary, as the case may be, and all the liabilities of the Government in respect of the Jamaica Government Railway.

23—Notwithstanding anything contained in section 22 of this Law there shall not, by reason of the transfer of Exceptions as to certain liabilities.

assets and liabilities provided for therein, be transferred to the Corporation—

- (a) any liability in respect of amounts shown in the accounts of the Jamaica Government Railway as outstanding railway loans on vesting day so, however, that—
  - (i) the existing liability of the Government in respect of those loans shall remain with the Government;
  - (ii) the Corporation shall pay all interest charges on those loans;
  - (iii) the total amount of the loan liabilities, to which shall be added the value of usable goods on order at vesting day, shall appear on the books of the Corporation as an unsecured loan;
- (b) any liability for the payment of pensions, gratuities, provident fund benefits or allowances in the nature of retirement benefits to or in respect of persons employed in the Jamaica Government Railway in respect of service before the vesting day.

Provisions  
relating to  
land.

24—(1) Land transferred to and vested in the Corporation by virtue of section 22 of this Law shall not be valued for the purpose of such transfer and vesting.

(2) The Corporation shall not without the prior approval of the Minister acquire land other than land transferred to and vested in the Corporation by virtue of section 22 of this Law.

Issue of  
stock to  
Government.

25—(1) In consideration of the vesting in the Corporation of the assets and liabilities of the Jamaica Government Railway the Corporation shall on vesting day issue to the Government stock of an amount sufficient to cover the



difference between the sum appearing on the books of the Corporation as an unsecured loan and the value of the assets so vested which value shall for the purposes of this section be deemed to be three million pounds sterling.

(2) The Corporation is hereby empowered to pay dividends on such stock.

26—(1) All deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the vesting day and affecting the Jamaica Government Railway shall have effect against or in favour of the Corporation and be enforceable as fully and effectually as if instead of the Jamaica Government Railway, or some person on behalf thereof, the Corporation had been named therein or had been a party thereto.

Existing  
contracts  
and pending  
proceedings,  
etc.

(2) Any proceedings or causes of action pending or existing immediately before the vesting day by or against the Jamaica Government Railway or the general manager thereof in respect of the Jamaica Government Railway may be continued or enforced by or against the Corporation as such proceedings or causes of action might have been continued or enforced by or against the Jamaica Government Railway or the general manager thereof if this Law had not been enacted.

## PART V

### *Financial Provisions*

27—(1) The revenues of the Corporation shall be applied for the purposes authorised by this or any other Law in relation to the functions of the Corporation and without prejudice to the generality of the foregoing words may be applied for all or any of the following purposes, that is to say—

Application  
of revenues.

- (a) grants for purposes conducive to the welfare of persons employed by the Corporation;
- (b) debt charges (including sinking fund), minor works of a capital nature, and the redemption of capital.



(2) Nothing in this section shall require the Corporation to make charges against revenue both for redemption of capital and for depreciation or renewal of capital assets which have been acquired directly or indirectly from funds derived from the issue of such capital.

Borrowing  
powers.

28—(1) Subject to the provisions of subsection (2) of this section, the Corporation may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Corporation to borrow shall be exercisable only with the approval of the Minister as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be effected. An approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Advances,  
grants and  
guarantee of  
borrowings  
by Governor  
in Council.

29—(1) The Minister may from time to time make advances and grants to the Corporation out of sums placed upon the estimates of the Island for the purpose and approved by the House of Representatives.

(2) With the approval of the House of Representatives, the Minister may guarantee, in such manner and on such conditions as he may think fit, the payment of the principal and of interest on any authorised borrowings of the Corporation made otherwise than by way of advance under subsection (1) of this section.

(3) Where the Minister is satisfied that there has been default in the repayment of any principal moneys or interest guaranteed under this section, he shall direct the repayment out of the general revenue of this Island of the amount in respect of which there has been such default.

30—The Corporation shall make to the Accountant General, at such times and in such manner as the Minister may direct, payments of such amounts as may be so directed in or towards repayment of advances made to the Corporation under section 29 of this Law, and of any sums issued in fulfilment of any guarantee given thereunder, and payments of interest on any sum outstanding for the time being in respect of such advances and of any sums so issued at such rate as the Minister may direct, and different rates of interest may be directed as respects different advances or sums and as respects interest for different parties.

Repayment  
of, and  
interest on,  
advances  
and sums  
issued to  
meet  
guarantees.

31—The Corporation—

Securities.

- (a) may create and issue stock, including debentures, required for the purpose of exercising its borrowing powers under section 29 of this Law;
- (b) shall establish a sinking fund for the redemption of debentures so created;
- (c) may postpone sinking fund contributions for such period or periods of time as may be approved by the Minister.

32—(1) Without prejudice to the power of the Corporation to set aside from revenue appropriate amounts for replacements, contingencies or other purposes, the Corporation shall establish and maintain a general reserve for the purposes of its functions.

General  
reserve.

(2) The management of the general reserve, the sums to be carried from time to time to the credit thereof, the charges to be made against the general reserve and any other application of the moneys comprised therein shall be as the Corporation may determine.

## PART VI

*Accounts and Reports*

Accounts.

33—(1) The Corporation shall cause to be kept proper accounts and relevant records; and its system of accounting, in so far as it relates to—

- (a) the determination of rates of depreciation;
- (b) the establishment of procedures regulating reserves, deficits or accumulated surpluses and the disposal of balances on net revenue account;
- (c) the procedure to be adopted in relation to the charging for operations outside normal railway operations and arising from Government directives,

shall be subject to the approval of the Minister.

(2) The accounts of the Corporation shall be audited by auditors to be appointed annually by the Corporation with the approval of the Minister.

Annual  
statement  
and report.

34—(1) The Corporation shall prepare an annual statement of accounts in such form, containing such particulars and compiled in such manner as the Minister may from time to time direct with the approval of the Minister of Finance.

(2) The said annual statement shall be so framed as to provide separately, so far as may be, information as respects the performance of the several functions of the Corporation and to show, so far as may be, the financial and operating results of the performance of its principal functions.

(3) So soon as the accounts of the Corporation have been audited, the Corporation shall furnish to the Minister a copy of the statement of accounts together with a copy of any report made by the auditors thereon or on the accounts of the Corporation.



(4) The Corporation shall as soon as may be after the end of each financial year furnish to the Minister a report dealing generally with the operations of the Corporation during that year.

35—The Minister shall lay before each House of the Legislature a copy of the statement of accounts and of any reports made by the auditors thereon, together with the report made under subsection (3) of section 34 of this Law.

Laying of accounts, etc., before Legislature.

## PART VII

### Staff

36—Subject to the other provisions of this Part of this Law, the Corporation may appoint and employ at such remuneration and on such terms and conditions as it thinks fit a general manager and a secretary and such other servants and agents as it thinks necessary for the due performance of its functions:

Appointment of general manager, secretary and other servants.

Provided that—

- (a) a person shall not be appointed general manager without the prior approval of the Minister;
- (b) the Corporation shall have power to dismiss the general manager, subject to the prior approval of the Minister;
- (c) a salary exceeding £1,500 per annum shall not be assigned to any post without the prior approval of the Minister.

37—(1) The Corporation may make regulations determining generally the conditions of service of servants of the Corporation and in particular, but without prejudice to the generality of the foregoing power, may make regulations relating to—

Regulations.

- (a) the appointment, dismissal, discipline, hours of employment, pay and leave of such servants;



- (b) appeals by such servants against dismissal or other disciplinary measures;
- (c) the grant of pensions, gratuities and other benefits to or in respect of the service of such servants;
- (d) the establishment and maintenance of sick funds, superannuation funds and provident funds, the contributions payable thereto and the benefits receivable therefrom;
- (e) the deduction from the salary or wages of such servants of money owed by them to the Corporation.

(2) Regulations made by the Corporation in relation to any of the matters referred in paragraph (e) of subsection (1) of this section shall not take effect unless they have been approved by the Minister.

Pension  
scheme.

Cap. 285.

38—(1) The Corporation shall, as soon as may be, make regulations establishing a pension scheme which shall be such as to make it possible in the opinion of the Governor for service with the Corporation to be declared public service under the provisions of the Pensions Law; and regulations establishing such scheme shall not come into force unless the Governor by notice in the *Gazette* declares that such regulations comply with the provisions of this subsection.

(2) A pension scheme established under the preceding subsection shall apply in relation to such class or classes of servants of the Corporation as may be specified in the scheme; and nothing in that subsection shall be construed as preventing the Corporation from providing by regulations made under section 37 of this Law for the grant of—

- (a) retirement benefits of any kind for or in respect of servants of the Corporation in relation to whom the said scheme does not apply; or

- (b) any benefits for or in respect of servants to whom the said scheme applies, in addition to the benefits provided by the said scheme.

(3) Such a pension scheme as aforesaid shall, in relation to persons transferred to the service of the Corporation under section 39 of this Law, provide for the grant upon retirement of benefits calculated as if such persons had not ceased to be employees of Government, so, however, that the Corporation shall be liable to pay such portion only of any such benefit as is not payable from the funds of Government.

39—(1) The Corporation shall, subject to the provisions of this section, continue to employ in the service of the Corporation all such persons as immediately prior to the vesting day were employed in the Jamaica Government Railway either as the holders of posts declared to be pensionable or non-pensionable within the meaning of the Pensions Law or as permanent employees of the Jamaica Government Railway and all such persons shall be deemed to be seconded from the service of the Government to the service of the Corporation; and any person to whom this subsection applies is for the purposes of this section referred to as an "officer".

Transfer of  
officers to  
Corporation.

Cap. 285.

(2) The Governor may at any time determine the secondment of an officer.

(3) The Corporation shall within twelve months from vesting day give to every officer then in its employment by virtue of subsection (1) of this section notice in writing—

- (a) offering him employment on such terms as may be agreed upon between the Minister and the Corporation; or
- (b) of the intention of the Corporation to request the Governor to determine his secondment;

and the secondment of every officer shall unless sooner determined cease upon the expiration of eighteen months from vesting day.

(4) The Corporation shall not offer employment to any officer except upon terms and conditions certified under the hand of the Chief Personnel Officer to be in his opinion not less favourable than those enjoyed by the officer in his substantive post at the date of such offer.

(5) The Chief Personnel Officer shall not decline so to certify the terms and conditions comprised in any offer merely because they are not in all respects identical with or superior to the terms and conditions enjoyed by the officer concerned at the date of such offer, if the first-mentioned terms and conditions, taken as a whole, in the opinion of the Chief Personnel Officer offer substantially equivalent or greater benefits.

(6) If an officer refuses an offer of employment made to him in pursuance of this section, the obligation imposed upon the Corporation by subsection (1) of this section to employ the officer shall thereupon determine.

(7) When an officer accepts an offer of employment made in pursuance of this section, his service with the Corporation shall be deemed to have commenced, and his service with the Government to have ceased, upon the expiration of the period of one year from the vesting day.

(8) A contributor making payments in pursuance of the Pensions (Civil Service Widows and Orphans) Law whose service with the Corporation has commenced, and whose service with the Government has ceased, by virtue of subsection (7) of this section, may, from the date of the commencement of his service with the Corporation, continue



to make such payments calculated on the salary he was receiving while in the service of the Government, at the same rate and subject to the same terms as if he had continued in the service of the Government at that salary. In the event of his ceasing to contribute, or in the event of any contribution due from him not having been paid for six months, his widow, or his widow and children, as the case may be, shall be entitled, after the death of such contributor, only to a pension computed on the basis of the interest acquired by such contributor at the date of the commencement of his service with the Corporation or of his ceasing to contribute, in accordance with the relevant provisions of section 7 of the Pensions (Civil Service Widows and Orphans) Law. Cap. 286.

(9) In the exercise of any powers conferred upon him by this section, the Governor may act in his discretion.

40—Every person employed by the Government and serving in the Jamaica Government Railway, not being an officer within the meaning of section 39 of this Law, shall cease to be in the employment of the Government on the vesting day and shall be deemed to be employed by the Corporation with effect from the vesting day on the same terms and conditions as those on which he was employed immediately before the vesting day, but without prejudice to the right of the Corporation to dispense with the services of any such person, or to alter the terms and conditions on which he is employed. Transfer of other employees to Corporation.

41—(1) Where any employee who, by virtue of section 40 of this Law, is deemed to be employed by the Corporation with effect from the vesting day, retires from or dies in the service of the Corporation in circumstances in which, if his Retirement, etc. of transferred employees.



service with the Corporation had been service with the Government, he would have been eligible for the grant of a pension, gratuity or other allowance, the Corporation may, with the concurrence of the Minister, grant to him or his legal personal representative a pension, gratuity or other allowance not exceeding that for which he would have been eligible if his service with the Corporation had been service with the Government.

(2) The Government shall pay to the Corporation in respect of any pension, gratuity or other allowance granted under subsection (1) of this section, a contribution equal to such proportion of the pension, gratuity or other allowance as the term of service of the employee with the Government bears to the total term of his service with the Government and the Corporation.

(3) Nothing in this section shall be construed as preventing the Corporation from granting, in its discretion, any sum or sums to or in respect of any such employee by way of pension, gratuity or other allowance in addition to any pension, gratuity or other allowance granted under the provisions of subsection (1) of this section, but the Government shall not be required to make any contribution towards any such additional sum so granted.

## PART VIII

### *Bye-Laws and Rules*

Bye-laws.

42—(1) The Corporation may, with the approval of the Minister, make bye-laws, not inconsistent with the provisions of this Law, for all or any of the following purposes—

- (a) for providing for the accommodation and convenience of passengers, and regulating the carriage of their baggage;
- (b) for declaring what shall be deemed to be, for the purposes of this Law, dangerous or offensive

goods, and for regulating the carriage of such goods;

- (c) for regulating the conditions on which the Corporation will carry passengers or animals suffering from infectious or contagious disorders, and providing for the disinfection of vehicles which have been used by or for such passengers or animals;
- (d) for regulating the terms and conditions on which the Corporation will warehouse or retain goods at any station on behalf of the consignee or owner;
- (e) for preventing the commission of any offence or nuisance in or about any of the stations, works, plant, buildings or premises of the railway;
- (f) for preventing trespasses upon or injury to the railway, roadways, stations, works, plant, buildings or premises attached thereto or otherwise belonging thereto;
- (g) for the regulation of any motor transport service operated by or on behalf of the Corporation;
- (h) for regulating the duties and conduct of porters or other persons, not being railway servants, at any railway station or on other railway premises in relation to the carrying of goods or the driving, drawing or propelling of vehicles for the carriage of passengers or goods, and for fixing the charges to be paid to them therefor;
- (i) for regulating public or private traffic across the railway at any level crossing or elsewhere; and
- (j) generally for regulating the travelling upon and use of the railway and the governance thereof and maintenance of good order thereon.

(2) Bye-laws made under this section may provide that the breach of any of them shall be an offence punishable on summary conviction in a Resident Magistrate's Court or a Court of Petty Sessions with such fine as may be specified



in relation thereto, not exceeding twenty pounds, or, in the case of a bye-law regulating the carriage of dangerous or offensive goods, fifty pounds.

(3) The Corporation shall keep at each station on the railway a copy of the bye-laws made under this section and for the time being in force, and shall allow any person to inspect it free of charge.

Rules.

43—(1) The Corporation may make rules for the guidance and conduct of railway servants and for regulating the working and management of the railway.

(2) Rules made under this section shall not be required to be published in the *Gazette* or for the information of the public, but shall be brought to the notice of all servants of the Corporation in such manner as the Corporation may think fit.

## PART IX

### *Carriage of Passengers*

Conditions  
for carriage  
of  
passengers.

44—The Corporation may, in addition to fixing fares under the provisions of section 11 of this Law, impose conditions, not inconsistent with the provisions of this Law, for the carriage of passengers.

Time-tables  
and lists  
of fares.

45—The Corporation shall keep constantly exhibited in some conspicuous place at each station on the railway—

- (a) time-tables indicating the passenger train services for the time being in operation on the railway;
- (b) a list showing the fares of passengers by the trains included in the time-tables of the railway from that station to every other place for which passenger tickets are there issued.



## PART X

*Carriage of Goods*

46—The Corporation may, in addition to fixing rates under the provisions of section 11 of this Law, impose conditions for the receiving, forwarding, conveying and delivering of goods.

Conditions  
for carriage  
of goods.

47—(1) Where goods are delivered to the Corporation it shall be lawful for the Corporation to receive and hold such goods subject to—

Lien for  
rates and  
charges.

- (a) a lien for moneys due for the carriage of or other proper charges or expenses upon or in connection with such goods; and
- (b) a general lien for any moneys or charges due to the Corporation from the owners of such goods for any services rendered or accommodation provided in relation to the carriage or storage of goods.

(2) If any lien as aforesaid is not satisfied within a reasonable time from the date upon which the Corporation first gave notice of the exercise of its lien to the owners of the goods, the goods may be sold and the proceeds of sale applied in or towards the satisfaction of every such lien and all proper charges and expenses in relation thereto and the Corporation shall account to the owners of the goods for any surplus.

(3) A general lien conferred by this section shall not prejudice an unpaid vendor's right of stoppage in transitu.

48—(1) Where any goods have come into the possession of the Corporation for carriage or otherwise and are not claimed by the owner or other person appearing to the Corporation to be entitled thereto, the Corporation may, in the case of perishable goods, sell such goods at any time and in

Disposal of  
unclaimed  
goods on  
railway.

the case of other goods shall, if such owner or person is known, cause a notice to be served upon him requiring him to remove the goods within two months from the date of such notice.

(2) If such person or owner is not known, or the notice cannot be served upon him, or he does not comply with the requisition in the notice, the Corporation may sell the goods and shall render the surplus, if any, of the proceeds of the sale to any person who satisfies the Corporation that he is entitled thereto.

Written  
description  
of goods  
required.

49—(1) The owner or person having charge of any goods which are brought upon a railway for the purpose of being carried thereon, and, if so required by a railway servant, the consignee of any goods which have been carried on the railway, shall deliver to a railway servant an account in writing signed by such owner or person, or by such consignee, as the case may be, and containing a description of the goods sufficient to determine the rate which the Corporation is entitled to charge in respect thereof and the conditions of carriage under which it will accept the goods.

(2) If such owner, person or consignee neglects to give such an account, the Corporation may—

- (a) in respect of goods which have been brought for the purpose of being carried on the railway, agree to carry the goods and charge a rate not exceeding the highest rate which may be in force at the time on the railway for any class of goods; or
- (b) in respect of goods which have been carried on the railway, charge a rate not exceeding such highest rate.

(3) If an account delivered under subsection (1) of this section is materially false with respect to the description of any goods to which it purports to relate, and which have been carried on the railway, the Corporation may charge in respect of the carriage of the goods a rate not exceeding



double the highest rate which may be in force at the time on the railway for any class of goods.

(4) If any difference arises between a railway servant and the owner or person having charge or the consignee of any goods which have been brought to be carried or have been carried on the railway respecting the description of goods of which an account has been delivered under this section, the railway servant may detain and examine the goods.

(5) If it appears from the examination that the description of the goods is different from that stated in an account delivered under subsection (1) of this section, the person who delivered the account, or, if that person is not the owner of the goods, then that person and the owner, jointly and severally, shall be liable to pay to the Corporation the cost, if any, of the detention and examination of the goods.

(6) If a person required under this section to give an account of any goods wilfully gives an account which is materially false, he shall be guilty of an offence and, in addition to the liability to pay any rate or other charge hereinbefore provided in respect of the goods, shall be liable to a fine not exceeding fifty pounds.

50—(1) A person shall not carry or cause to be carried upon a railway any goods declared by any bye-law made under this Law to be dangerous or offensive, except in accordance with the provisions of any bye-law applicable to such goods.

Goods of a dangerous or offensive nature.

(2) Any person who carries upon or delivers for carriage by the railway any such dangerous or offensive goods without distinctly declaring the nature of the same shall be liable to a fine not exceeding fifty pounds.

(3) Any person who contravenes the provisions of subsection (2) of this section, or any bye-law referred to in



subsection (1) of this section, shall, in addition to any penalty incurred in respect of such contravention, be liable—

- (a) to compensate the Corporation for and indemnify the Corporation against any damage, loss, expense or liability suffered or sustained by the Corporation directly or indirectly as a result of such contravention; and
- (b) to pay compensation for any injury or damage to persons or property arising out of any accident occurring directly or indirectly as a result of that contravention.

(4) It shall be lawful for any railway servant to refuse to accept for carriage on the railway any baggage or parcel, vessel or package suspected of containing dangerous or offensive goods, and to require the same to be opened, and in case any such baggage or parcel, vessel or package shall have been so accepted, it shall be lawful for any railway servant to stop the transit thereof until he is satisfied that the nature and contents of the baggage or parcel, vessel or package are not dangerous or offensive.

Carriage  
of animals  
infected with  
disease.

51—It shall be lawful for any railway servant to refuse to accept for carriage on a railway any animal which he has reason to believe to be infected with any infectious or contagious disease, or to have been in contact with any animal so infected.

## PART XI

### *Responsibility of Corporation as Carriers and Warehousemen*

Corporation  
not liable  
in certain  
cases.

52—(1) Notwithstanding the other provisions of this Part, the Corporation shall not be liable for any loss, damage, deviation, misdelivery, delay or detention of or to goods arising from—

- (a) act of God;
- (b) act of war or the Queen's enemies;

- (c) seizure under any legal process;
- (d) orders or restrictions imposed by the Government;
- (e) act or omission of the consignor, consignee or the servants or agents of either;
- (f) inherent liability to wastage in bulk or weight, latent defect or inherent defect, vice or natural deterioration of the goods;
- (g) casualty, including fire or explosion;
- (h) riots, civil commotion, strikes, lock-outs, stoppage or restraint of labour from whatever cause, whether partial or general:

Provided that—

- (i) where such loss, damage, deviation, misdelivery, delay or detention arises with respect to goods which the Corporation has accepted for carriage at railway's risk rates or for warehousing and the Corporation fails to prove that it used all reasonable foresight and care in the carriage or (as the case may be) the warehousing of the goods, the Corporation shall not be relieved from liability for such loss, damage, deviation, misdelivery, delay or detention;
- (ii) the Corporation shall not incur liability of any kind in respect of goods where there has been fraud on the part of the consignor, consignee or the servants or agents of either.

(2) Subsection (1) of this section shall not apply to passengers' baggage.

53—The Corporation shall not be liable for any demurrage or delay incurred upon or caused to a vessel at any pier or wharf owned or operated by the Corporation. Delay to vessels.

54—(1) Save as provided in subsection (2) of this section, the Corporation shall not be liable for the loss, damage, Liability for goods.



deviation, misdelivery, delay or detention of or to a consignment of goods or any part thereof carried or delivered for carriage by the railway unless the goods in respect of which compensation is claimed have been accepted and booked by a railway servant and unless—

- (a) in the case of goods consigned at railway's risk rates, the Corporation fails to prove that the loss, damage, deviation, misdelivery, delay or detention was not caused by the negligence or misconduct of the servants or agents of the Corporation; or
- (b) in the case of goods consigned at owner's risk rates, a complete consignment or a complete package forming part of the consignment has been lost, damaged, diverted, misdelivered, delayed or detained as a result of the wilful misconduct of the servants or agents of the Corporation.

(2) The Corporation shall not be exempt from any liability it might otherwise incur in the following cases—

- (a) non-delivery of the whole of a consignment, or of any separate package forming part of a consignment, properly packed and addressed, unless such non-delivery is due to accident to trains or to fire;
- (b) pilferage from packages of merchandise protected otherwise than by paper or other packing readily removable by hand, if, and only if, the pilferage is pointed out to a servant of the Corporation on or before delivery;
- (c) misdelivery where merchandise properly addressed is not tendered to or placed at the disposal of the consignee within twenty-eight days, or in the case of perishable merchandise within a reasonable time which shall not be less than seventy-two hours



after receipt of the consignment by the Corporation from the sender:

Provided, however, that the Corporation shall not be liable under this subsection if it proves that the non-delivery, pilferage or misdelivery, as the case may be, has not been caused by the negligence or misconduct of the Corporation or its servants.

(3) Notwithstanding the provisions of subsections (1) and (2) of this section, the Corporation may—

- (a) agree to carry any goods on conditions more favourable to the consignor than those set out in this section; or
- (b) by special contract, which shall be in writing and signed by the consignor or his agent, limit the liability imposed on the Corporation by this section.

55—The Corporation shall not be liable for the loss, damage, deviation, misdelivery, delay or detention of or to any passenger's baggage—

Passengers' baggage.

(a) unless—

- (i) it has been accepted and booked, and a receipt has been given therefor, by a railway servant; and
- (ii) the loss, damage, deviation, misdelivery, delay or detention has been caused by the negligence or misconduct of the servants or agents of the Corporation; or

(b) save in such other circumstances as may be notified by the Corporation by general notice or otherwise.

56—(1) The liability of the Corporation for the loss, damage, deviation, misdelivery, delay or detention of or to animals accepted for carriage by the Corporation shall not exceed, in the case of—

Animals.

- (a) a horse, twenty pounds;
- (b) neat cattle or mules, per head, fifteen pounds;
- (c) a donkey, eight pounds;

(d) a sheep, goat or pig, two pounds;

(e) a dog or other animal not hereinbefore in this subsection mentioned, one pound,

unless a higher value has been declared in writing by or on behalf of the consignor at the time of consignment.

(2) Where such higher value has been declared, the Corporation may impose an additional charge in respect of the increased liability or, if the value of the animal has been declared to exceed one hundred pounds, may either impose such additional charge or, notwithstanding the provisions of subsection (1) of this section, decline to accept liability in excess of the sum specified by that subsection in relation to such an animal.

**Vehicles.**

57—(1) The liability of the Corporation for the loss, damage, deviation, misdelivery, delay or detention of or to vehicles accepted for carriage by the Corporation shall not exceed, in the case of—

(a) a motorcycle with or without a side-car, fifty pounds;

(b) any other motor vehicle, one hundred pounds;

(c) any vehicle other than a motor vehicle, five pounds,

unless a higher value has been declared in writing by or on behalf of the consignor at the time of consignment.

(2) Where such higher value has been declared, the Corporation may impose an additional charge in respect of the increased liability or, if the value of the vehicle has been declared to exceed one thousand pounds, may either impose such additional charge or, notwithstanding the provisions of subsection (1) of this section, decline to accept liability in excess of the sum specified by that subsection in relation to such a vehicle.



58—Nothing contained in this Law shall alter or affect the rights, privileges or liabilities of the Corporation under Part I of the Carriage of Goods Law with respect to articles of the description mentioned in the said Law.

Carriage of  
Goods Law  
applied.  
Cap. 52.

59—The compensation recoverable in respect of any animal or vehicle which has been declared under section 56 or section 57 of this Law to be of higher value than the amount for which the Corporation might be liable apart from such declaration shall not exceed the amount of the value so declared, and, notwithstanding that such declaration was made, it shall lie upon the person claiming the compensation to prove the value of the animal or vehicle in respect of which the claim is made.

Limit to  
compensa-  
tion in  
certain cases  
and proof  
of value.

60—(1) Subject to the provisions of subsection (2) of this section the Corporation shall not be liable to pay compensation for the loss, damage, deviation, mis-delivery, delay or detention of or to goods accepted by the Corporation for carriage or custody unless the Corporation is advised thereof in writing (otherwise than upon any of the Corporation's documents) within one month and the claim for compensation be made within three months after acceptance of the goods by the Corporation.

Notification  
of claims

(2) Where the Corporation is satisfied that it was not reasonably possible for the person claiming compensation to advise the Corporation in writing or make his claim in writing within the aforesaid times, the Corporation may grant an extension of the aforesaid times:

Provided that where such extension has been refused and the person claiming compensation has instituted proceedings pursuant to section 67 of this Law, the Court may determine the matter as if he had complied with the requirements of subsection (1) of this section, if in the opinion of the Court the extension ought reasonably to have been granted.



Effect of  
false des-  
cription of  
goods.

61—Notwithstanding anything in the foregoing provisions of this Part, the Corporation shall not be liable for the loss, damage, deviation, misdelivery, delay or detention of or to any goods with respect to which a materially false description has been given (whether the description was given under the provisions of this Part or of Part X of this Law) to the Corporation by the owner or person having charge of the goods, if the loss, damage, deviation, misdelivery, delay or detention was in any way brought about by the false description, and the Corporation shall not in any event be liable for an amount exceeding the value of the goods calculated in accordance with the description.

Injury to  
or loss of  
life of  
passenger.

62—(1) The Corporation shall not be liable for personal injury to, or loss of life of, a passenger unless the personal injury or loss of life is caused by want of reasonable care, diligence or skill on the part of the Corporation or its servants.

(2) For the purposes of this section the expression “passenger” includes every person, other than a railway servant on duty, lawfully travelling on the railway.

Law relat-  
ing to com-  
mon carriers  
not  
applicable.

63—From and after the commencement of this Law, the law relating to common carriers shall not apply to the Corporation.

## PART XII

### *Tariffs*

Publication  
of tariffs.

64—(1) Subject to the provisions of subsection (3) of this section, the following matters shall be embodied in printed tariffs and published by the Corporation—

- (a) rates, fares, other charges and conditions fixed or imposed under the provisions of this Law;
- (b) the upper limits of rates and fares determined by the Minister under section 11 of this Law.

(2) Subject to the provisions of subsection (3) of this section every amendment made to any of the matters mentioned in subsection (1) of this section shall be printed and published by the Corporation and shall take effect upon such date as may be specified in the amendment; and for the purposes of this subsection an amendment shall be deemed to be published upon a notice containing particulars of the amendment, or stating that a printed copy of the amendment may be inspected at any station on the railway, being published in the *Gazette* or in any newspaper circulating in Jamaica.

(3) Notwithstanding the foregoing provisions of this section, the Corporation shall not be obliged to print or publish the following matters—

- (a) a remission of any rate, fare or other charge granted under the powers conferred by paragraph (e) of section 11 of this Law;
- (b) an amendment reducing any rate, fare or other charge temporarily or in special circumstances;
- (c) the fixing of charges other than rates and fares;
- (d) the fixing, under the powers conferred by paragraph (f) of section 11 of this Law, of a rate or charge higher than the upper limit determined in respect thereof by the Minister,

and any such remission or amendment or fixing of a rate, fare or other charge shall take effect at such time, or for such period, or in such circumstances and subject to such conditions as the Corporation may specify.

65—In any legal proceedings the production of a printed copy of any tariff or amendment of a tariff purporting to be published by the Corporation shall be *prima facie* evidence of the matters provided therein and that the rates, fares, charges, conditions or limits fixed, imposed or

Printed  
copies to  
be evidence.



determined thereby have been duly fixed, imposed or determined.

Copies to be kept at all stations.

66—The Corporation shall keep at each station on the railway a copy of every tariff and amendment thereto published under the provisions of section 64 of this Law and for the time being in force, and shall allow any person to inspect the same free of charge at any reasonable time.

## PART XIII

### *Legal Proceedings*

Limitation of suits against the Corporation.

67—No suit against the Corporation or any servant of the Corporation for any act done in pursuance or execution or intended execution of any Law or of any public duty or authority or in respect of any alleged neglect or default in the execution of such Law, duty or authority, shall lie or be instituted in any court unless it is commenced within twelve months next after the act, neglect or default complained of or, in the case of a continuance of damage or injury, within twelve months next after the ceasing thereof:

Provided that, in the case of a claim for the refund of an overcharge in respect of goods accepted by the Corporation for carriage, or for compensation in respect of loss, damage deviation, misdelivery, delay or detention of or to any goods so accepted, the cause of action shall be deemed to have arisen on the day of such acceptance.

Service of documents.

68—Any summons, notice or other document required or authorised to be served upon the Corporation by or under the provisions of this or any other Law may, unless in any case there is express provision to the contrary, be served by delivering the same to the chairman or secretary of the Corporation, or by sending it by registered post addressed to the secretary of the Corporation at the principal office of the Corporation.



## PART XIV

### *Offences and Penalties*

- 69—(1) Any person who unlawfully or maliciously—
- (a) puts or throws anything upon or across the railway; or
  - (b) causes anything to come into contact with any person or thing on the railway; or
  - (c) removes or displaces any rail, sleeper or thing belonging to the railway; or
  - (d) turns, moves or diverts any points or other machinery of any kind belonging to the railway; or
  - (e) makes or shows, hides or removes any signal or light upon or near to the railway; or
  - (f) does or causes to be done any other matter or thing,

Endangering safety of persons on railway.

with intent to injure or endanger the safety of persons travelling or being upon the railway, whether a particular person or not, is guilty of felony, and is liable to imprisonment for life.

(2) Any person who by any unlawful act or by any omission to do any act which it is his duty to do causes the safety of any person travelling or being upon any railway to be endangered is guilty of a misdemeanour and is liable to imprisonment with or without hard labour for two years.

70—Any person who by any unlawful act or by any intentional omission to do any act which it is his duty to do causes any engine or vehicle in use upon a railway to be obstructed in its passage on the railway is guilty of a misdemeanour, and is liable to imprisonment with or without hard labour for two years.

Obstructing railways.

Drunkenness  
of railway  
servants and  
power to  
apprehend.

71—(1) If a railway servant is in a state of intoxication while on duty he shall be guilty of an offence and liable to a fine not exceeding five pounds or imprisonment with or without hard labour for a term not exceeding three months, or, if the duty on which he is engaged is such that its improper performance would be likely to endanger the safety of any person travelling or being upon the railway, to a fine not exceeding one hundred pounds or imprisonment with or without hard labour for a term not exceeding two years, or to both such fine and such imprisonment.

(2) It shall be lawful for any railway servant, and for all persons whom he may call to his aid, to apprehend any railway servant who is or appears to be in a state of intoxication while on duty, and to convey him to the nearest police station and there hand him over to the custody of the police.

Drunkenness  
or nuisance  
on a rail-  
way.

72—(1) If a person on any part of a railway—

- (a) commits any nuisance or act of indecency or uses obscene, indecent or abusive language;
- (b) wilfully and without lawful excuse interferes with the comfort of any passenger; or
- (c) wilfully and without lawful excuse interferes with any railway servant in the execution of his duty,

he may be removed from the railway by any railway servant or police officer or any other person whom the railway servant or police officer may call to his aid, and shall be guilty of an offence and liable to a fine not exceeding ten pounds.

(2) A person removed from the railway under the provisions of this section shall not be entitled to the return of any fare he may have paid.

73—Any person who travels or attempts to travel in any carriage or vehicle of the Corporation with intent to defraud the Corporation shall be guilty of an offence and liable to a fine not exceeding five pounds.

Travelling  
with intent  
to defraud.

74—It shall be lawful for any railway servant or agent of the railway, and all persons called by him to his assistance, to seize and detain any person found committing any offence against the provisions of this Law, or against any bye-laws or regulations of the railway made under the provisions of this Law, or any person counselling, aiding or assisting in such offences, and to hand over the offender to a police officer without unnecessary delay.

Power to  
arrest  
offender.

## PART XV

### *General*

75—Notwithstanding anything contained in the Kingston and St. Andrew Corporation Law, the Parochial Rates and Finance Law or the Property Tax Law the rates and taxes to be paid by the Corporation shall be determined by the Minister with the approval of the Minister of Finance.

Rates and  
taxes.  
Cap. 192.  
Cap. 276.  
Cap. 312.

76—The Jamaica Government Railway Law is hereby repealed:

Repeal of  
Cap. 174  
and savings.

Provided that all bye-laws, regulations, rules and tariffs, including rates, fares, other charges and conditions regulating the conveyance of passengers and goods made under the Law hereby repealed and in force at the time of coming into operation of this Law shall be deemed to have been made under this Law and shall continue in force until other provision is made by virtue of this Law.



## SCHEDULE

(Section 3)

*Constitution and Procedure of the Corporation*

- Appointment of members. 1. The Corporation shall consist of seven persons to be appointed by the Minister.
- Temporary appointments. 2. The Minister may appoint any person to act temporarily in the place of any member of the Corporation in the case of the absence or inability to act of such member.
- Chairman. 3. (1) The Minister shall appoint one of the members of the Corporation to be the chairman thereof.  
(2) The Minister shall appoint one of the members of the Corporation to be the vice-chairman thereof.  
(3) In the case of the absence or inability to act of the chairman the vice-chairman shall exercise the functions of the chairman.  
(4) At any meeting, in the case of the absence or inability to act of both the chairman and the vice-chairman the remaining members of the Corporation shall elect one of their number to act as chairman at that meeting.
- Tenure of office and revocation of appointment. 4. (1) A member of the Corporation shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years but shall be eligible for re-appointment.  
(2) The Minister may, if he thinks it expedient so to do, at any time revoke the appointment of any member of the Corporation.
- Resignation. 5. (1) Any member of the Corporation, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Corporation.  
(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.
- Publication of membership. 6. The names of all members of the Corporation as first constituted and every change in the membership thereof shall be published in the *Gazette*.
- Authentication of seal and documents. 7. (1) The seal of the Corporation shall be authenticated by the signature of the chairman or one member of the Corporation authorised to act in that behalf and the secretary of the Corporation.  
(2) All documents, other than those required by law to be under seal, made by, and all decisions of, the Corporation may be signified under the hand of the chairman or any member authorised to act in that behalf or the secretary of the Corporation.
- Disclosure of interest. 8. A member of the Corporation who is directly or indirectly interested in a contract made or proposed to be made by the Corporation—

- (a) shall disclose the nature of his interest at a meeting of the Corporation; and
- (b) shall not take part in any deliberation or decision of the Corporation with respect to that contract.

9. (1) The Corporation shall meet so often as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Corporation may determine. Procedure and meetings.

(2) The chairman may at any time call a special meeting of the Corporation and shall call a special meeting to be held within seven days from the receipt of a written request for that purpose addressed to him by any three members of the Corporation.

(3) The chairman or, in the case of the absence or inability to act of the chairman, the vice-chairman or the person elected to act as chairman in accordance with sub-paragraph (4) of paragraph 3 of this Schedule shall preside at the meetings of the Corporation, and when so presiding shall have an original and a casting vote.

(4) The quorum of the Corporation shall be four including the chairman, or the vice-chairman or person elected to act as chairman as aforesaid.

(5) Subject to the provisions of this Schedule the Corporation may regulate its own proceedings.

(6) The validity of any proceeding of the Corporation shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

10. There shall be paid from the revenue of the Corporation to the chairman and other members of the Corporation such remuneration (whether by way of salaries or travelling or other allowances) as the Governor in Council may determine. Remuneration of members.

11. The office of member of the Corporation shall not be a public office for the purposes of Part III of the Jamaica (Constitution) Order in Council, 1959.





No. 2--1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

24th February, 1960

A LAW to provide for the discharge, modification and interpretation of restrictive covenants affecting land, and for other matters connected therewith.

[25th February, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Restrictive Covenants Short title.  
(Discharge and Modification) Law, 1960.

2— In this Law—

“local authority” means—

- (a) in relation to the parishes of Kingston and St. Andrew, the Council of the Kingston and St. Andrew Corporation as constituted under the Kingston and St. Andrew Corporation Law;

Interpreta-  
tion.

Cap. 192.

- (b) in relation to any other parish, the Parish Council of such parish;

“Town and Country Planning Authority” means the Town and Country Planning Authority appointed under the Town and Country Planning Law, 1957.

Law 42 of  
1957.

Power to  
discharge or  
modify  
covenants.

3—(1) A Judge in Chambers shall have power, from time to time on the application of the Town and Country Planning Authority or of any person interested in any freehold land affected by any restriction arising under covenant or otherwise as to the user thereof or the building thereon, by order wholly or partially to discharge or modify any such restriction (subject or not to the payment by the applicant of compensation to any person suffering loss in consequence of the order) on being satisfied—

- (a) that by reason of changes in the character of the property or the neighbourhood or other circumstances of the case which the Judge may think material, the restriction ought to be deemed obsolete; or
- (b) that the continued existence of such restriction or the continued existence thereof without modification would impede the reasonable user of the land for public or private purposes without securing to any person practical benefits sufficient in nature or extent to justify the continued existence of such restriction, or, as the case may be, the continued existence thereof without modification; or
- (c) that the persons of full age and capacity for the time being or from time to time entitled to the benefit of the restriction whether in respect of estates in fee simple or any lesser estates or interests in the property to which the benefit of the restriction is annexed, have agreed, either expressly or by implication, by their acts or omissions, to the same being discharged or modified; or

- (d) that the proposed discharge or modification will not injure the persons entitled to the benefit of the restriction:

Provided that no compensation shall be payable in respect of the discharge or modification of a restriction by reason of any advantage thereby accruing to the owner of the land affected by the restriction, unless the person entitled to the benefit of the restriction also suffers loss in consequence of the discharge or modification, nor shall any compensation be payable in excess of such loss.

(2) The Judge shall, before making any order under this section, direct such enquiries as he may think fit to be made of the Town and Country Planning Authority and any local authority, and such notices as he may think fit, whether by way of advertisement or otherwise, to be given to the Town and Country Planning Authority and any persons who appear to be entitled to the benefit of the restriction sought to be discharged, modified, or dealt with.

(3) Any order made under this section shall be binding on all persons, whether ascertained or of full age or capacity or not, then entitled or thereafter capable of becoming entitled to the benefit of any restriction, which is thereby discharged, modified, or dealt with, and whether such persons are parties to the proceedings or have been served with notice or not.

(4) The Chief Justice may with the concurrence of the majority of the other Judges of the Supreme Court make Rules regulating applications under this Law, the recording and registration of orders made under this Law, and all matters incidental thereto.

4—Where any proceedings by action or otherwise are taken to enforce a restrictive covenant, any person against whom the proceedings are taken may in such proceedings apply to the court for an order giving leave to apply to a

Stay of proceedings pending application to Judge in Chambers.



Judge in Chambers under section 3 of this Law, and staying the proceedings in the meantime.

Interpretation of restrictions by High Court.

5—The High Court shall have power on the application by motion of the Town and Country Planning Authority or any person interested—

- (a) to declare whether or not in any particular case any freehold land is affected by a restriction imposed by any instrument; or
- (b) to declare what, upon the true construction of any instrument purporting to impose a restriction, is the nature and extent of the restriction thereby imposed and whether the same is enforceable and if so, by whom.

Where instrument imposing restriction is not produced.

6—An order may be made under this Law notwithstanding that any instrument which is alleged to impose the restriction intended to be discharged, modified, or dealt with may not have been produced to the court, or the Judge in Chambers, as the case may be, and the court or Judge may act on such evidence of that instrument as the court or Judge may think sufficient.

Duty of Registrar of Titles.  
Cap. 340.

7—Where the title to any land in respect of which any order is made under this Law is registered under the Registration of Titles Law, the Registrar of Titles shall forthwith, upon production to him of a certified copy of such order, enter an appropriate memorandum thereof upon the Register Book.

Application.

8—(1) This Law shall apply—

- (a) to restrictions whether subsisting at the commencement of this Law or imposed thereafter; and
- (b) whether the title to the land affected by the restriction is registered under the Registration of Titles Law or not.

(2) This Law shall not apply to restrictions created or imposed—

(a) for Naval, Military or Air Force purposes; or

(b) for Civil Aviation purposes under the powers of the Civil Aviation Act, 1949,

12, 13 and 14  
Geo. VI C.67  
(Imp.)

but subject to the foregoing provisions, shall be binding on the Crown.

(3) Where a term of more than seventy years is created in land (whether before or after the commencement of this Law) this Law shall, after the expiration of twenty-five years of the term, apply to restrictions affecting such leasehold land in like manner as it would have applied had the land been freehold.





No. 3—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

24th February, 1960

A LAW to Provide for the establishment of a Committee to be known as the Disciplinary Committee of the Bar Association, for the exercise and performance by such Committee of functions relating to the discipline of barristers; and for purposes incidental thereto.

[The date of any Proclamation issued by the]  
Governor bringing the Law into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Bar Regulation Law, 1960, and shall come into operation on a day to be appointed by the Governor by Proclamation.

Short title  
and com-  
mencement

2—In this Law—

Interpre-  
tation.

“Bar Association” means the Association constituted under the Regulations of the Bar Association for Jamaica made the 16th day of July, 1944, or any other Regulations amending or replacing those Regulations;

“Bar Council” means the Council of the Bar Association;

Cap. 171.

“barrister” means any person admitted to practise as a barrister in the several Courts of the Island pursuant to the provisions of section 12 of the Jamaica Bar Regulation Law, any such person as is referred to in section 11 of that Law, or any person admitted to the Jamaica Bar under the provisions of that Law;

“Committee” means the Disciplinary Committee of the Bar Association established under section 5 of this Law;

“Registrar” means the Registrar of the Supreme Court;

“roll” means the list of barristers kept in accordance with the provisions of this Law.

## PART I

### *The Roll of Barristers*

Registrar to  
keep the roll  
of barristers.

3—(1) The Registrar shall keep, in accordance with the provisions of this Law and of any regulations made thereunder, an alphabetical list of barristers, and any reference in the Jamaica Bar Regulation Law to the roll of barristers-at-law and members of the Jamaica Bar shall be deemed to be a reference to the roll kept in accordance with the provisions of this Law.

(2) The Registrar General shall, upon the entry in the Register of Deaths of the death of a barrister, forward to the Registrar particulars of such entry, and the Registrar shall cause such particulars to be entered in the roll.

(3) The Registrar upon receiving satisfactory proof of the death at any place outside the Island of any barrister shall cause the particulars of the date and place of such death to be entered in the roll.

(4) The Registrar shall have the custody of the roll and of all documents relating thereto, and shall allow any person to inspect the roll during office hours without payment.

4—The Chief Justice with the concurrence of two or more of the Puisne Judges may from time to time make regulations prescribing the duties of the Registrar with respect to the keeping of the roll.

Regulations  
for keeping  
the roll.

## PART II

### *Disbarment and Suspension*

5—(1) There is hereby established a Committee to be known as the Disciplinary Committee of the Bar Association.

Establish-  
ment and  
constitution  
of Com-  
mittee.

(2) The provisions of the First Schedule to this Law shall have effect as to the constitution and operations of the Committee and otherwise in relation thereto.

First  
Schedule.

6—(1) Any person alleging himself aggrieved by an act of professional misconduct (including any default) committed by a barrister may apply to the Committee to require the barrister to answer allegations contained in an affidavit made by such person.

Powers of  
Committee.

(2) The Bar Council may in relation to any barrister make a like application grounded on an affidavit made by the Secretary to that Council.

(3) In considering an application under either of the preceding subsections the Committee shall have regard to the provisions of the Second Schedule to this Law.

Second  
Schedule.

(4) Any such application shall be made to and heard by the Committee in accordance with rules made under section 7 of this Law.

(5) On the hearing of any such application the Committee may as they think just make any such order as to—

- (a) striking off the roll the name of the barrister to whom the application relates, or suspending him



from practice on such conditions as they may determine, or imposing on him such fine as they may think appropriate in the circumstances, or subjecting him to a reprimand;

(b) the payment by any party of costs or of such sum as they may consider a reasonable contribution towards costs;

Cap. 171.

(c) in relation to a barrister to whom section 11 of the Jamaica Bar Regulation Law applies, debarring him from practising in any court in Jamaica and sections 5, 10 and 12 of the Jamaica Bar Regulation Law shall not apply in relation to any barrister in respect of whom an order under this paragraph is in force.

(6) Any fine imposed under the last preceding subsection may at the discretion of the Committee—

(a) be paid to the person making the application in whole or part satisfaction of any damage caused to him by the act or default giving rise to his application; or

(b) where no such damage has been caused, be paid to the Bar Association of Jamaica.

(7) An application under this section may not be made in respect of any misconduct alleged to have been committed before the commencement of this Law.

Procedure of  
Committee.

7—(1) The Committee may from time to time make rules for regulating the presentation, hearing and determination of applications to the Committee under this Law.

Third  
Schedule.

(2) Until varied or revoked by rules made by the Committee pursuant to the provisions of subsection (1) of this section, the rules contained in the Third Schedule to this Law shall be in force.

(3) For the purposes of any application made to them under this Law, the Committee may administer

oaths and the applicant and the barrister to whom the application relates may sue out writs of *subpoena ad testificandum* and *duces tecum*, but no person shall be compelled under any such writ to produce any document which he could not be compelled to produce on the trial of an action.

(4) An application to, or an inquiry or other proceeding before, the Committee shall be deemed to be a "legal proceeding" within the meaning of that expression as used in Part II of the Evidence Law.

Cap. 118.

8—(1) Every order made by the Committee under this Law shall be prefaced by a statement of their findings in relation to the facts of the case and shall be signed by the chairman.

Filing,  
effect and  
notice of  
orders made  
by the  
Committee.

(2) The Committee shall cause a copy of every such order to be filed with—

- (a) the Registrar;
- (b) the Registrar of the Federal Supreme Court; and
- (c) the Under Treasurer of any Inns of Court to which the barrister in relation to whom the order has been made belongs.

(3) Every order filed pursuant to subsection (2) of this section shall, as soon as it has been so filed be acted upon by the Registrar and be enforceable in the same manner as a judgment or order of the Supreme Court to the like effect.

(4) The Registrar shall upon the filing of any order as aforesaid cause a notice stating the effect of the operative part of the order to be published in the *Gazette*.

(5) The file of orders made by the Committee under this section may be inspected at the Registry of the Supreme Court by any person during office hours without payment.



Appeal  
against  
orders of  
Committee.

9—An appeal against any order made by the Committee under this Law shall lie to the Court of Appeal by way of re-hearing at the instance of the barrister to whom the application relates, and every such appeal shall be made within such time and in such form and shall be heard in such manner as may be prescribed by rules made from time to time by the Chief Justice with the concurrence of two or more of the Puisne Judges.

Powers of  
Court of  
Appeal.

10—(1) The Court of Appeal may dismiss the appeal and confirm the order or may allow the appeal and set aside the order or may vary the order or may allow the appeal and direct that the application be reheard by the Committee and may also make such order as to costs before the Committee and as to costs of the appeal, as the Court of Appeal shall think proper:

Provided that at the rehearing of an application no greater punishment shall be inflicted on the barrister concerned than was inflicted by the order made at the first hearing.

(2) Where the Court of Appeal confirms the order it shall take effect from the date of the order made by the Court of Appeal confirming it.

(3) The Registrar shall notify the Registrar of the Federal Supreme Court and the Under Treasurer of any Inns of Court to which the barrister concerned belongs of the result of the appeal.

Power to  
replace  
name of  
barrister  
on roll.

11—(1) The Supreme Court may, if it thinks fit, at any time order the Registrar to replace on the roll the name of a barrister whose name has been struck off the roll.

(2) Where the name of a barrister is replaced on the roll, the Registrar shall file a copy of the order and shall transmit copies to the Registrar of the Federal Court and to the Under Treasurer of any Inn with whom a copy of the order of the Committee has been filed.



12—No order may be obtained under section 5 of the Jamaica Bar Regulation Law enrolling a barrister as a solicitor of the Supreme Court of Judicature while there is pending against him any application to the Committee pursuant to this Law or at any time during which he may pursuant to section 6 of this Law be suspended from practice as a barrister or be struck off the roll or debarred from practising in any Court in Jamaica.

Barristers  
debarred  
from  
enrolment  
as solicitors  
in certain  
events.

### PART III

#### *Restrictions, Offences and Miscellaneous Matters*

13—Save as provided in section 11 of the Jamaica Bar Regulation Law, no barrister shall be qualified to practise as such unless his name is on the roll, and a barrister who is not so qualified or whose name is on the roll but who is for the time being suspended from practising is in this Part of this Law referred to as an “unqualified person”.

Qualification  
for practis-  
ing as a  
barrister.  
Cap. 171.

14—Any unqualified person who practices as a barrister or wilfully pretends to be, or takes or uses any names, title, addition or description implying that he is qualified or recognised by law as qualified to practise as a barrister shall be guilty of an offence and shall, in addition to any other penalty or disability to which he may be subject, be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty pounds for each such offence.

Penalty for  
unqualified  
person  
practising.

15—No costs in respect of anything done by an unqualified person who acts as a barrister shall be recoverable in any action, suit or matter by any person whomsoever.

No costs  
recoverable  
where un-  
qualified  
person acts  
as a  
barrister.

16—Proceedings under this Part of this Law may be commenced at any time within two years next after the commission of the offence or before the expiration of six months after the first discovery of the offence by the prosecutor, whichever period is the shorter.

Time for  
taking pro-  
ceedings.

Provided that proceedings shall not be instituted in respect of an offence committed before the commencement of this Law.

Provisions  
respecting  
barristers  
acting un-  
instructed  
by solicitors.

17—(1) Subject to subsection (2) of this section, where by the rules referred to in the Second Schedule to this Law a barrister is permitted to act for a client without having been instructed by a solicitor, then, in relation to any matter in which he so acts, he shall be entitled to sue for his fees and shall be liable—

- (a) to proceedings in respect of any negligence of his in his professional capacity;
- (b) to be required to tax his fees before the Registrar or as the case may be the Clerk of the Courts as if those fees were solicitor's costs; and
- (c) to account to the client in respect of any moneys received by that barrister in his professional capacity, in like manner as if he were that client's solicitor.

(2) Subsection (1) of this section shall not apply to a barrister duly acting by virtue of any Law without having been instructed by a solicitor.

Repeal.  
Cap. 171.

18—Section 7 of the Jamaica Bar Regulation Law is hereby repealed.

#### FIRST SCHEDULE

(Section 5)

Appointment  
of members.

1. The Committee shall consist of—

- (a) the Attorney General as an *ex officio* member; and
- (b) six other members who shall be barristers in private practice appointed by the Governor on the recommendation of the Bar Association made in general meeting, and of whom at least one shall be Queen's Counsel, if available.

Temporary  
appoint-  
ments.

2. The Governor may on the recommendation of the Bar Council appoint any barrister to act temporarily in the place of any member of the Committee in the case of the absence or inability to act of such member.

Chairman.

3. The members of the Committee present at a meeting shall elect one of their number to act as chairman at that meeting.



4. (1) The appointment of every member of the Committee shall be evidenced by an instrument in writing and such instrument shall state the period of office of the member which shall not exceed three years. Tenure of office.

(2) Every member of the Committee shall be eligible for re-appointment.

5. Any member of the Committee other than the *ex officio* member may at any time resign his office by instrument in writing addressed to the Governor and such resignation shall take effect as from the date of the receipt of such instrument by the Governor. Resignation.

6. The names of all members of the Committee as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.

7. (1) The Committee shall meet at such times as may be necessary or expedient for the transaction of business, and such meetings shall be held at such places and times and on such days as the Committee shall determine. Procedure and meetings.

(2) The quorum of the Committee shall be three.

(3) Subject to the provisions of this Schedule the Committee shall have power to regulate their own proceedings.

(4) The validity of any proceeding of the Committee shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

8. No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Committee in respect of any act done *bona fide* in pursuance or execution or intended execution of this Law. Protection of members of Committee.

## SECOND SCHEDULE

(Section 6)

### *Rules relating to the conduct of Barristers*

The rules of practice and etiquette in Jamaica shall be those made by the Bar Council and approved by the Bar Association; and with respect to any matter for which no provision has been so made the practice and etiquette for the time being of the General Council of the English Bar shall so far as applicable be followed.

## THIRD SCHEDULE

(Section 7)

### *The Bar (Disciplinary Proceedings) Rules, 1960*

1. These Rules may be cited as the Bar (Disciplinary Proceedings) Rules, 1960.

2. In these Rules "secretary" means the person appointed by the Committee to be secretary of the Committee or any person for the time being with the authority of the Committee performing all or any of the duties of secretary.



3. An application to the Committee to require a barrister to answer allegations contained in an affidavit shall be in writing under the hand of the applicant in Form 1 of the Appendix to these Rules and shall be sent to the secretary, together with an affidavit by the applicant in Form 2 of the Appendix to these Rules stating the matters of fact on which he relies in support of his application.

4. Before fixing a day for the hearing, the Committee may require the applicant to supply such further information and documents relating to the allegations as they think fit, and in any case where, in the opinion of the Committee, no *prima facie* case is shown the Committee may, without requiring the barrister to answer the allegations, dismiss the application. If required so to do, either by the applicant or the barrister, the Committee shall make a formal order dismissing such application.

5. In any case in which, in the opinion of the Committee, a *prima facie* case is shown the Committee shall fix a day for hearing, and the secretary shall serve notice thereof on the applicant and on the barrister, and shall also serve on the barrister a copy of the application and affidavit. The notice shall not be less than a twenty-one days' notice.

6. The notice shall be in Form 3 or Form 4 of the Appendix to these Rules, as the case may be, and shall require the applicant and barrister respectively to furnish to the secretary and to each other a list of all documents on which they respectively propose to rely. Such lists shall, unless otherwise ordered by the Committee, be furnished by the applicant and by the barrister respectively at least fourteen days before the day of hearing.

7. Either party may inspect the documents included in the list furnished by the other; and a copy of any document mentioned in the list of either party, shall, on the application and at the expense of the party requiring it, be furnished to that party by the other within three days after the receipt of the application.

8. If either or both of the parties fail to appear at the hearing the Committee may, upon proof of service of the notice of hearing, proceed to hear and determine the application in his or their absence.

9. Where the Committee have proceeded in the absence of either or both of the parties any such party may, within one calendar month from the pronouncement of the findings and order, apply to the Committee for a rehearing upon giving notice to the other party and to the secretary. The Committee, if satisfied that it is just that the case should be reheard, may grant the application upon such terms as to costs or otherwise, as they think fit. Upon such rehearing the Committee may amend, vary, add to or reverse their findings or order pronounced upon such previous hearing.

10. The Committee may, in their discretion, either as to the whole case or as to any particular fact or facts, proceed and act upon evidence given by affidavit: Provided that any party to the proceedings may require the attendance upon subpoena of any deponent to any such affidavit for the purpose of giving oral evidence, unless the Committee

are satisfied that the affidavit is purely formal and that the requirement of the attendance of the deponent is made with the sole object of causing delay.

11. A subpoena issued under section 7 of the Law may be in one of the forms set out in the Appendix to these Rules, with such variations as circumstances may require.

12. If the findings and order of the Committee are not pronounced on the day of hearing, notice shall be given to the parties of the date when the findings and order will be pronounced.

13. The secretary shall on the day of pronouncement or if the Committee have suspended the filing of the findings and order pursuant to rule 19 of these Rules, forthwith upon the termination of the period for which such filing is so suspended, file the findings and order with the Registrar and shall within fourteen days of the date thereof send a copy thereof to the Registrar of the Federal Supreme Court, the applicant, the barrister and to the Under Treasurer of any Inns of Court to which such barrister belongs.

14. The Committee shall hear all applications in private, but shall pronounce their findings and orders in public.

15. No application shall be withdrawn after it has been sent to the secretary, except by leave of the Committee. Application for leave to withdraw shall be made on the day fixed for the hearing unless the Committee otherwise direct. The Committee may grant leave subject to such terms as to costs or otherwise as they think fit, or they may adjourn the matter under rule 16 of these Rules.

16. The Committee may of their own motion, or upon the application of either party, adjourn the hearing upon such terms as to costs, or otherwise, as to the Committee may appear just.

17. If upon the hearing it appears to the Committee that the allegations in the affidavit require to be amended or added to, the Committee may permit such amendment or addition, and may require the same to be embodied in a further affidavit, if in the judgment of the Committee such amendment or addition is not within the scope of the original affidavit, provided always that if such amendment or addition be such as to take the barrister by surprise or prejudice the conduct of his case, the Committee shall grant an adjournment of the hearing upon such terms as to costs or otherwise as to the Committee may appear just.

18. Upon the hearing or determination of any application the Committee may, without finding any misconduct proved against the barrister, nevertheless order him to pay the costs of the proceedings if, having regard to his conduct and to all the circumstances of the case, it seems just to the Committee so to do.

19. (1) The Committee shall have power, upon the application of a party against or with respect to whom they have made an order, to suspend the filing thereof with the Registrar.



(2) Where the filing of an order is suspended under this rule the order shall not take effect until it is filed with the Registrar and if the order is an order that a barrister be suspended from practice the period of suspension shall be deemed to commence on the date of the filing of the order with the Registrar.

20. Notes of proceedings shall be taken by the secretary or other person appointed by the Committee; and any party who appeared at the proceedings shall be entitled to inspect the original or a copy thereof. Every person entitled to be heard upon an appeal against an order of the Committee shall be entitled to a copy of such notes on payment of the charges from time to time prescribed by the Committee.

21. Service of any notice or documents required by these Rules may be effected by registered letter addressed to the last known place of abode or business of the person to be served, and proof that such letter was so addressed and posted shall be proof of service. Any notice or document required to be given or signed by the secretary may be given or signed by him or by any other person duly authorised by the Committee in that behalf.

22. The Committee may extend the time for doing anything under these Rules.

23. All affidavits shall be filed and kept by the secretary. The Committee may order that any books, papers or other exhibits produced or used at a hearing shall be retained by the secretary until the time for appealing has expired, and, if notice of appeal be given, until the appeal is heard or otherwise disposed of.

## APPENDIX

### FORM 1

#### *Form of Application against a Barrister*

To the Committee constituted under the Bar Regulation Law, 1960  
(Law of 1960).

In the matter of  
and a Barrister.

In the matter of the Bar Regulation Law, 1960.

I, the undersigned  
hereby make application that \*  
of Barrister, may be required to  
answer the allegations contained in the affidavit which accompanies  
this application.

I make this application on the ground that the matters of fact stated  
in the said affidavit constitute conduct unbecoming his profession  
on the part of the said in his capacity  
of Barrister.



In witness thereof I have hereunto set my hand this  
day of \_\_\_\_\_, 19 \_\_\_\_.

.....Signature  
.....Address  
.....Profession, business  
or occupation.

\*Insert full name and last known place or places of business.

## FORM 2

### *Form of Affidavit by Applicant*

- (a) Name of the Barrister. In the matter of (a)  
a Barrister;  
and  
In the matter of the Bar Regulation Law,  
1960 (Law of 1960)
- (b) Name of Applicant. I, (b)  
make oath and say as follows:—
- (c) Place of residence. (1) That I reside at (c)
- (d) Parish. in the parish of (d)
- (e) Occupation. and am a (e)
- (f) Postal address. and my postal address is (f)  
P.O.
- (g) Name of Barrister. (2) That (g)
- (h) Set out facts com- (3) (h)  
plained of. (4) The complaint I make against the
- (i) Set out shortly the Barrister is that he (i)  
ground of complaint.

.....  
*Signature or Mark of Applicant*

If the person making the affidavit can read and write strike out the words in brackets.

Sworn at \_\_\_\_\_ in the parish  
of \_\_\_\_\_ this  
day of \_\_\_\_\_ 19 \_\_\_\_ (the same  
having been first read over and explained  
to the deponent when he/she appeared  
fully to understand the same) before me:

.....  
*Justice of the Peace for the  
parish of.....*

## FORM 3

*Form of Notice by Committee to Applicant*

Complaint Number                      of 19                      Barrister  
In the matter of                      and

In the matter of the Bar Regulation Law, 1960 (Law                      of 1960).  
To  
of

The                      day of                      19                      is the day fixed  
for the hearing of your application in the matter of  
Barrister by the Committee appointed under the Bar Regulation  
Law, 1960.

The Committee will sit at  
at                      o'clock in the forenoon.

You are required by the rules under the Bar Regulation Law, 1960,  
to furnish to the said  
and the secretary of the Committee at  
at least 14 days before the said                      day of  
19                      a list of all documents on which you propose to rely.

Either party may inspect the documents included in the list  
furnished by the other and a copy of any document mentioned in the  
list of either party must, on the application and at the expense of the  
party requiring it, be furnished by that party to the other within  
three days after receipt of the application.

You are requested to acknowledge the receipt of this Notice without  
delay.

Dated the                      day of                      19                      .

Secretary  
Disciplinary Committee of the Bar Association

## FORM 4

*Form of Notice by Committee to Barrister*

Complaint Number                      of 19                      .  
In the matter of                      Barrister  
and

In the matter of the Bar Regulation Law, 1960 (Law                      of 1960).  
To                      of                      Barrister.

Application has been made by  
of                      to the Committee constituted under the  
Bar Regulation Law, 1960, that you may be required to answer the  
allegations contained in the affidavit a copy whereof accompanies this  
Notice.

The \_\_\_\_\_ day of \_\_\_\_\_ 19 \_\_\_\_\_ is the day fixed for the hearing of the application by the Committee. The Committee will sit at \_\_\_\_\_ at \_\_\_\_\_ o'clock in the forenoon. If you fail to appear the Committee may in accordance with the rules made under the Bar Regulation Law, 1960, proceed in your absence.

You are required by the rules made under the Bar Regulation Law, 1960, to furnish to the applicant and to the secretary of the Committee at \_\_\_\_\_ at least 14 days before the day fixed for hearing a list of all the documents on which you propose to rely.

Either party may inspect the documents included in the list furnished by the other and a copy of any document mentioned in the list of either party must, on the application and at the expense of the party requiring it, be furnished to that party by the other within 3 days after receipt of the application.

You are requested to acknowledge receipt of this Notice without delay.

Dated the \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_

Secretary

Disciplinary Committee of the Bar Association

#### FORM 5

##### *Form of Subpoena Ad Testificandum*

In the Supreme Court of Judicature of Jamaica.

In the matter of \_\_\_\_\_ Barrister  
and \_\_\_\_\_

In the matter of the Bar Regulation Law, 1960 (Law \_\_\_\_\_ of 1960).

ELIZABETH II, by the Grace of God of the United Kingdom of Great Britain and Northern Ireland and of Her Other Realms and Territories Queen, Head of the Commonwealth, Defender of the Faith.

To

#### GREETING:

We command you to attend before the Committee constituted under the Bar Regulation Law, 1960, at \_\_\_\_\_ on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ at the hour of \_\_\_\_\_ o'clock in the \_\_\_\_\_ noon, and so from day to day until the application in the above matter is heard, to give evidence on behalf of

Witness

Chief Justice of Jamaica the \_\_\_\_\_ day of \_\_\_\_\_ in the year of Our Lord one thousand nine hundred and \_\_\_\_\_





No. 4—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

25th February, 1960

A LAW to Provide for the relief of cases of hardship in the application of taxation and rating laws arising from changes in the basis of valuation of land for the purposes of those laws and for matters connected therewith or incidental thereto.

[1st April, 1959]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Land Taxation (Relief) Law, 1960, and shall be deemed to have come into operation on the 1st day of April, 1959, and shall expire on the 31st day of March, 1969.

Short title,  
commence-  
ment and  
duration.

2—In this Law—

“adjudicating authority” in relation to any valuation of land under the Land Valuation Law, 1956, means the Commissioner of Valuations, the Valuation Board, the Court of Appeal or any

Interpre-  
tation.

Law 73 of  
1956.

other Court, as the case may be, finally determining the valuation of that land;

“agricultural land” means land which for the time being is used exclusively or principally for agricultural, horticultural or pastoral purposes or for the keeping of bees, poultry or livestock;

“approved organisation” means, in relation to an approved purpose, an organisation specified for the time being in the second column of the First Schedule to this Law;

First  
Schedule.

“approved purpose” means a purpose for the time being specified in the first column of the First Schedule to this Law;

“Board” means the Land Taxation Relief Board constituted by section 3 of this Law;

“land tax” means property tax, parish rates, water rates, lighting rates or any other tax or rate based on the ownership or occupation of land;

“person in possession of land” includes the attorney, overseer or manager or other person having the management of or the collection or the receipt of the rents, issues or profits of any land as well as the owner, occupier or person actually in possession of such land;

“relief certificate” means a certificate granted pursuant to this Law authorising a reduction of land tax payable by any person.

Constitu-  
tion of  
Board.

3—(1) There is hereby constituted a Land Taxation Relief Board consisting of the Collector General, the Commissioner of Valuations and one other person appointed by the Minister.

(2) The Minister may appoint any person to act temporarily in place of any member of the Board in the case of the absence or inability to act of such member.



(3) The Minister shall appoint one of the members of the Board to be the chairman thereof.

(4) The whole Board shall constitute a quorum thereof but nothing in this subsection shall be construed as requiring a decision of the Board to be unanimous.

(5) The Board shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Board may determine.

(6) The chairman shall preside at the meetings of the Board.

(7) Subject to the provisions of this section the Board may regulate its own proceedings.

(8) All documents made by, and all decisions of, the Board may be signified under the hand of the chairman or any member of the Board authorised to act in that behalf or by the secretary of the Board.

(9) The validity of any proceeding of the Board shall not be affected by any vacancy amongst members thereof or any defect in the appointment of a member thereof.

4—(1) Any person for the time being liable to pay land tax the amount of which is affected by a valuation of land made under the Land Valuation Law, 1956, may apply in the prescribed manner on the prescribed form and within the prescribed time to the Board for a relief certificate if—

Application  
for relief.

Law 73 of  
1956.

- (a) the land was at the time of valuation and is being used *bona fide* as agricultural land and the valuation thereof takes into account the potentialities of the land for use other than as agricultural land; or
- (b) a building on the land at the time of valuation was then and is being used *bona fide* as a private dwelling house and the valuation of the land takes into account the potentialities of that land as a suitable

site for any of the following types of development purposes—

- (i) an hotel or guest house; or
  - (ii) a shop, office or other commercial building; or
  - (iii) an industrial building; or
  - (iv) a block of residential flats; or
  - (v) a type of residence which would necessitate re-development of the land and involve substantial capital expenditure; or
- (c) the land was at the time of valuation and is being used *bona fide* for an approved purpose by an approved organisation and the valuation thereof takes into account the potentialities of that land as a suitable site for subdivision or for any of the types of development purposes set out in paragraph (b) of this subsection.

(2) Subject to the provisions of subsection (3) of this section, on receipt of an application for a relief certificate the Board shall determine whether or not a relief certificate ought to be granted having regard to all the circumstances of the case and without prejudice to the generality of the foregoing, the Board may take into account—

- (a) whether in the opinion of the Board it is reasonable that the land in respect of which the application is made should continue to be used for the purpose for which it is being used at the time of such application; and
- (b) whether the payment of the whole amount of the land tax would, because of circumstances peculiar to the applicant, in the opinion of the Board cause hardship to him.

(3) The Board shall not be obliged to consider any application for a relief certificate unless such application is accompanied by an instrument in writing issued by an adjudicating authority indicating that the valuation of the



land the subject of the application takes into account the potentialities of that land for use other than for the purpose for which it was being used at the time of the valuation.

(4) The Minister may amend the First Schedule to this Law by adding thereto any purpose as an approved purpose or any organisation as an approved organisation if he is satisfied that the purpose or the organisation, as the case may be, is mainly of a religious, social, cultural, educational, charitable or benevolent nature. First  
Schedule.

(5) A draft of any Order to be made under subsection (4) of this section shall be laid before the House of Representatives.

5—(1) The Board, if satisfied having regard to the provisions of section 4 of this Law that a relief certificate ought to be granted in relation to any land, shall determine that any land tax payable in respect of that land is to be reduced to such annual amount or by such percentage as, subject to the provisions of this Law, the Board may, in its discretion, determine and the Board shall grant a relief certificate accordingly. Power of  
Board.

(2) The Board may, in order to obtain information required for the purposes of this Law, by notice in writing require an applicant for a relief certificate to attend and give evidence before the Board in relation to the application.

(3) A relief certificate shall be in the prescribed form and, notwithstanding anything contained in any other Law, shall be sufficient authority to a Collector of Taxes to make such adjustments (including any refunds) in any land tax payable by the applicant for a relief certificate as are authorised by the certificate.



Power of  
adjudicating  
authority to  
determine  
whether  
valuation  
takes into  
account  
potential  
use of land.

6—(1) On the application of any person in possession of land in respect of which an application for relief may be made under this Law, an adjudicating authority shall issue an instrument in writing indicating whether the valuation of that land as finally determined takes into account the potentialities of that land for use other than for the purpose for which it was being used at the time of the valuation.

(2) Any instrument issued pursuant to subsection (1) of this section may contain such additional information as to factors taken into account in the valuation as the adjudicating authority may consider necessary or desirable for the purpose of facilitating determination of any application for relief under this Law.

Appeals to  
the Minister  
from a deci-  
sion of the  
Board.

7—(1) Where an applicant for a relief certificate is dissatisfied with a decision of the Board in relation to the application, he may within the prescribed time and in the prescribed manner appeal to the Minister.

(2) The Minister shall consider every appeal made under subsection (1) of this section at such time and in such manner either in the presence or absence of the appellant as the Minister considers appropriate and, having regard to the principles set out in or pursuant to section 4 of this Law, shall make such order in relation to such appeal as the Minister may think fit and for the purpose of giving effect to the order may exercise any powers of the Board under this Law.

(3) Every decision of the Minister upon any appeal made under this section shall be final and conclusive.

Effect and  
duration of  
relief cer-  
tificate.

8—(1) Subject to the provisions of this Law, a relief certificate shall, unless the Board otherwise decides and so stipulates therein, have effect from the date on which any land tax to which it relates first becomes payable on the valuation giving rise to the application for relief.

(2) Subject to the provisions of this section, a relief certificate shall, unless revoked in accordance with this Law, continue in force until a new valuation roll (or a change in the valuation roll) comes into force dealing with the land to which the relief certificate relates.

(3) A relief certificate shall not be transferable and shall cease to have effect so soon as—

(a) the person to whom it is granted dies; or

(b) the land to which it relates or any part thereof is—

(i) sold, exchanged or given away; or

(ii) leased, licensed or otherwise disposed of on terms whereby the land (or part thereof) may be used for any purpose other than the purpose for which it was being used at the time when the application for a relief certificate was made.

(4) Where a relief certificate (in this subsection and in subsections (5) and (6) of this section referred to as an original relief certificate) ceases to have effect pursuant to paragraph (a) of subsection (3) of this section, any person who is liable to pay land tax in respect of the whole or any part of the land which immediately prior to such cessation was the subject of the original relief certificate may apply in the prescribed manner, in the prescribed form and in the prescribed time to the Board for a new relief certificate.

(5) If on such application as aforesaid the Board is satisfied, having regard to the provisions of section 4 of this Law, that a new relief certificate or new relief certificates ought to be issued the Board shall issue such new relief certificate or certificates as the circumstances warrant and the new relief certificate or certificates shall thereupon have effect from the date of cessation of the original relief certificate or from the date on which the land tax on the



land in question first became payable by the applicant for the new relief certificate whichever is the later.

(6) The provisions of this Law shall apply in relation to a new relief certificate as they apply in relation to an original relief certificate.

Revocation  
of relief  
certificate.

9—(1) Where the circumstances giving rise to the grant of a relief certificate have in the opinion of the Board changed the Board may by instrument in writing revoke the relief certificate and a copy of such instrument shall be sent to the Collector of Taxes of the parish in which is payable the land tax on the land in respect of which the relief certificate had been granted.

(2) A relief certificate revoked pursuant to subsection (1) of this section shall cease to have effect from the first day of April next following the date of revocation unless the Board in its discretion fixes some other date not being a date earlier than the date of such revocation.

(3) Where the Board is satisfied that the grant of a relief certificate in relation to any land was obtained by fraud or the suppression of material evidence, the Board may, by notice in writing to the person on whose application the relief certificate was granted or to the person in possession of the land cancel that relief certificate and, upon such cancellation, land tax in respect of that land shall be payable as if the relief certificate had never been granted.

(4) A copy of any notice issued pursuant to subsection (3) of this section shall be sent to the Collector of Taxes for the parish in which is payable land tax on the land in respect of which the relief certificate had been granted and the Collector of Taxes shall forthwith proceed to collect the amount of land tax remitted in accordance with the relief certificate prior to its cancellation.

(5) Before taking action to revoke or cancel a relief certificate pursuant to this section, the Board shall—

(a) notify the person in possession of the land that such action is contemplated; and



- (b) inform the person in possession of the land that he or the person upon whose application the relief certificate was granted or both of them may, if he or they so desire, appear before the Board and show cause why the relief certificate should not be revoked or cancelled as the case may be.

10—(1) Every person to whom a relief certificate has been granted shall while that certificate remains in force notify the Board as soon as possible and in any event within three months of—

Notification  
of change of  
use of land.

- (a) any material change in the use of that land; or
- (b) any change in the circumstances giving rise to the application for the grant of that relief certificate; or
- (c) any sale, exchange or gift of the land (or part thereof); or
- (d) any lease, licence or other disposition of the land (or part thereof) on terms whereby the land (or part thereof) may be used for any purpose other than that for which it was being used when the application for the relief certificate was made.

(2) Any person who, without reasonable excuse, fails to comply with subsection (1) of this section shall be guilty of an offence and, on summary conviction thereof in a Resident Magistrate's Court, shall be liable to a fine not exceeding fifty pounds and in default of payment thereof to be imprisoned for any term not exceeding three months.

11—(1) The Governor, acting on the recommendation of the Public Service Commission, may appoint a secretary and such other officers and servants of the Board as the Minister may from time to time consider necessary.

Staff and  
remunera-  
tion.

(2) There shall be paid out of moneys provided by the Legislature to the secretary and other officers and servants

of the Board such salaries or remuneration as the Minister may from time to time determine.

(3) The expenses of the Board shall be paid out of moneys provided for the purpose by the Legislature.

False  
returns or  
statements.

12—Any person who makes or delivers an application under this Law which to his knowledge is false in any particular or makes any answer whether orally or in writing which is to his knowledge false in any particular to any question put to him by the Board or any member thereof shall be guilty of an offence and, on summary conviction thereof in a Resident Magistrate's Court, shall be liable to a fine not exceeding one hundred pounds and in default of payment thereof shall be imprisoned for any term not exceeding six months.

General  
power to  
make regu-  
lations.

13—(1) The Minister may make regulations in regard to—

- (a) any matters which under this Law are to be prescribed;
- (b) the information to be furnished by an applicant for a relief certificate; and
- (c) any matter or thing whether similar to the foregoing or not appearing to the Minister to be necessary or expedient for the purpose of carrying this Law into effect.

Second  
Schedule

(2) Until varied or revoked by regulations made by the Minister under the provisions of this Law the Regulations contained in the Second Schedule to this Law shall be in force.

Service of  
notice.

14—(1) Any notice or other communication by or on behalf of the Board may be served upon any person—

- (a) by causing it to be personally served on him; or
- (b) by leaving it at his address for service; or



(c) by posting it by prepaid, registered letter post addressed to him at his address for service,

and, in the case of paragraph (c) of this subsection, service thereof shall be deemed to have been effected at the time when it would in the ordinary course of the post have arrived at the place to which it was addressed or the town or post office nearest to that place.

(2) The address for service of any person shall be the address of that person as described in any record in the custody of the Board.

(3) Where the address of any person is not known to the Board and he cannot after reasonable enquiry be found any notice or other document issued by the Board may be given or served on that person by placing the notice or document on a conspicuous part of the land to which the notice or document relates.

#### FIRST SCHEDULE (Sections 2, 4 (4) )

##### Approved purpose

##### Approved organisations

The provision of playing fields for cricket, football and other outdoor games	Members' Club registered as such under the Registration of Clubs Law, Cap. 339
---	--

#### SECOND SCHEDULE (Section 13)

##### *The Land Taxation (Relief) Regulations*

1. These Regulations may be cited as the Land Taxation (Relief) Regulations. **Short title.**

2. (1) Every application for a relief certificate and every appeal pursuant to section 7 of the Law shall be in writing and shall be deemed to be made when it is delivered to the secretary of the Board. **Mode of application and modes of appeals.**

(2) An application for a relief certificate shall be made in triplicate in such one of the forms A, B or C set out in the Appendix to those Regulations as may be appropriate to the case.

3. (1) An application for a relief certificate in respect of any land may be made within the period of— **Time of application.**

(a) three months after the passing of the Law; or



Law 73 of  
1956.

- (b) three months after the date on which the rate of land tax payable on the land is affected by a new valuation or a change in a valuation of that land made pursuant to the Land Valuation Law, 1956, whichever terminates later:

Provided that the Board may extend the time for application if the final determination of the valuation under the Land Valuation Law in any way curtails the period aforesaid.

(2) An application for a new relief certificate pursuant to section 8 of the Law shall be made within six months of the event which gives rise to the application.

Time for  
appeals.

4. An appeal to the Minister pursuant to section 7 of the Law shall be made within one month from the date on which a relief certificate is granted or refused by the Board.

Form of  
relief  
certificate.

5. A relief certificate shall be in the form set out as Form D in the Appendix hereto and shall be made out in quadruplicate. One copy shall be given to the applicant, one copy shall be sent to the Collector General for transmission to the Collector of Taxes responsible for the collection of taxes on the land to which the certificate relates, one copy shall be sent to the Minister, and one copy shall be retained by the Secretary of the Board.

### Appendix

(Regulation 2(2))

#### LAND TAXATION (RELIEF) LAW, 1960

#### APPLICATION FORM

FORM A

#### Agricultural Land

I/We.....  
the person(s) in possession of land as described below do hereby apply for relief from land tax in accordance with the provisions of section 4(1) (a) of the Law.

I/We attach a certificate from the { Valuation Board  
Court of Appeal  
Commissioner of Valuations

certifying that the unimproved value of the land as finally determined under the Land Valuation Law, 1956, Law 73 of 1956, takes into account the potentialities of the land for use other than as agricultural land.

#### SECTION A.

Valuation Number.....

Property.....District.....Parish.....

Acreage.....Value.....

Name(s) and Address(es) of person(s) in possession.....

.....  
.....  
.....

If the property forms part of the estate of a deceased person, or is subject to any trust, give the name(s) and address(es) of the legal personal representative or trustees and the beneficiaries:—

.....  
 .....  
 .....  
 Date when land was purchased or acquired.....

Purchase Price.....Acreage at time of  
 purchase or acquisition.....

#### SECTION B.

- (i) Is the whole of the land used exclusively for agricultural purposes?.....If not wholly so used state acreage not so used.....
- (ii) State the use to which the land has been put during the past three years, giving full particulars:—

#### SECTION C.

A financial statement is required to be submitted with the application stating income from and expenditure on the land, the subject of the application, for the three years prior to this application.

#### SECTION D.

- (i) What was the valuation of the property immediately prior to the valuation giving rise to this application?.....
- (ii) What was the amount paid for taxes on that former valuation?.....
- (iii) What is the amount of taxes payable on the new valuation?.....

#### SECTION E.

Has (Have) the owner(s) prepared or submitted plans to the Parish Council for approval to subdivide any part of the land?

## SECTION F.

Furnish full details of any other lands owned by the applicant in Jamaica:—

.....

.....

.....

## SECTION G.

What are the circumstances which would cause hardship if the applicant is required to pay the whole amount of the land tax payable on the land, the subject of the application?

.....

.....

.....

## DECLARATION

I/We do hereby declare that the answers to the questions in this application (and the attached statements) are to the best of my (our) knowledge true and correct.

.....

(Applicant)

## LAND TAXATION (RELIEF) LAW, 1960

## APPLICATION FORM

FORM B

## Private Dwelling Houses

I/We.....the person(s) in possession of land as described below do hereby apply for relief from land tax in accordance with the provision of section 4 (1) (b) of the Law.

I/We attach hereto a certificate from the { Valuation Board  
Court of Appeal  
Commissioner of  
Valuations

certifying that the valuation of the land as finally determined under the Land Valuation Law, 1956, Law 73 of 1956, takes into account the potentialities of the land as a suitable site for:

- (i) an hotel or guest house; or
- (ii) a shop, office or other commercial building; or
- (iii) an industrial building; or
- (iv) a block of residential flats; or
- (v) a type of residence which would necessitate re-development of the land and involve substantial capital expenditure.



## SECTION A

Valuation Number.....  
 Property.....District.....Parish.....  
 Acreage.....  
 Name(s) and address(es) of person(s) in possession.....  
 .....  
 .....  
 .....

If the property forms part of the estate of a deceased person or is subject to any trust give the names and addresses of the legal personal representative or trustees and the beneficiaries:—  
 .....  
 .....  
 .....

Date when land was purchased or acquired.....Purchase price.....  
 Acreage at time of purchase or acquisition.....

## SECTION B

- (i) If the dwelling house is rented or leased state—  
 (a) The rental.....  
 (b) Whether the tenant is responsible for rates and taxes  
 .....  
 (c) Whether application has been made to the Rent Assessment Board to increase the rental to recover any additional land taxes, and if so give particulars  
 .....  
 .....
- (ii) If there are other buildings on the land give full particulars  
 .....  
 .....

## SECTION C

- (i) What was the valuation of the property immediately prior to the valuation giving rise to this application?.....  
 (ii) What was the amount paid for taxes on that former valuation?.....  
 (iii) What is the amount of taxes payable on the new valuation?  
 .....  
 .....

## SECTION D

Has (Have) the owner(s) prepared or submitted plans to the Parish Council for approval to subdivide any part of the land?.....

## SECTION E

Furnish full details of any other lands owned by the applicant in Jamaica:—

## SECTION F

What are the circumstances which would cause hardship if the applicant is required to pay the whole amount of the land tax payable on the land, the subject of the application?.....

## DECLARATION

I/We do hereby declare that the answers to the questions in this application (and the attached statements) are to the best of my/our knowledge true and correct.

.....  
Applicant

LAND TAXATION (RELIEF) LAW, 1960

APPLICATION FORM

FORM C

*Approved Organisations*

I/We.....  
the person(s) in possession of land as described below do hereby apply for relief from land tax in accordance with the provisions of section 4(1) (c) of the Law.

I/We attach a certificate from the { Valuation Board  
Court of Appeal  
Commissioner of Valuations  
certifying that the valuation of the land as finally determined under the Land Valuation Law, 1956, Law 73 of 1956, takes into account the potentialities of the land as a suitable site for:

- (i) subdivision; or
- (ii) an hotel or guest house; or

- (iii) a shop, office or other commercial building; or
- (iv) an industrial building; or
- (v) a block of residential flats; or
- (vi) a type of residence which would necessitate re-development of the land and involve substantial capital expenditure.

## SECTION A.

Valuation Number.....

Property.....District.....Parish.....

Acreage.....

Names(s) and address(es) of person(s) in possession.....

If the property forms part of the estate of a deceased person or is subject to any trust give the names and addresses of the legal personal representative or trustees and the beneficiaries.....

Date when land was purchased or acquired.....

Purchase Price.....Acreage.....

## SECTION B.

- (i) Is the whole of the land used exclusively for an approved purpose?.....

If not wholly so used state acreage not so used.....

- (ii) State the use to which the land has been put during the past three years giving full particulars:—

## SECTION C.

A financial statement is required to be submitted with the application stating income from and expenditure on the land, the subject of the application, for the three years prior to this application.

## SECTION D.

- (i) What was the valuation of the property immediately prior to the valuation giving rise to this application?.....



- (ii) What was the amount paid for taxes on that valuation?.....  
 .....  
 (iii) What is the amount of taxes payable on the new valuation?  
 .....

## SECTION E.

Has (Have) the owner(s) prepared or submitted plans to the Parish Council for approval to subdivide any part of the land?  
 .....  
 .....

## SECTION F.

Furnish full details of any other lands owned by the applicant in Jamaica:—  
 .....  
 .....  
 .....

## SECTION G.

What are the circumstances which would cause hardship if the applicant is required to pay the whole amount of the land tax payable on the land, the subject of the application?.....  
 .....  
 .....  
 .....

## DECLARATION

I/We do hereby declare that the answers to the questions in this application (and the attached statements) are to the best of my/our knowledge true and correct.  
 .....

*Applicant*

LAND TAXATION (RELIEF) LAW, 1960

RELIEF CERTIFICATE

FORM D

Valuation No.....  
 Property.....District.....Acreage.....  
 Parish.....Collectorate.....  
 Name(s) of person(s) in possession.....  
 Address(es).....

The Land Taxation (Relief) Board having considered the application of.....  
aforesaid in relation to the land and valuation described above hereby determine that land tax payable by h..... in respect of the land described as aforesaid shall, subject to the provisions of the Law, be reduced as follows:—

[Property rates]

[Parish rates]

with effect from the

day of

, 19

.....  
*Chairman of the Board*





No. 5—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

25th February, 1960

A LAW to Amend the Bastardy Law

[25th February, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Bastardy (Amendment) Law, 1960, and shall be read and construed as one with the Bastardy Law, hereinafter referred to as the principal Law.

Short title  
and con-  
struction.  
Cap. 35.

2—Subsection (1) of section 5 of the principal Law is hereby amended by the addition thereto of the following proviso—

Amendment  
of section 5  
of principal  
Law.

“Provided that if the person alleged to be the father of the child attends the hearing and, in open Court, admits the truth of the allegation the Resident



No. 6—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

25th February, 1960

A LAW to Amend the Tax Collection Law.

[1st April, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Tax Collection (Amendment) Law, 1960, and shall be read and construed as one with the Tax Collection Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on the 1st day of April, 1960.

Short title,  
construction  
and com-  
mencement.  
Cap. 375.

2—Section 24 of the principal Law (which deals, *inter alia*, with the assessment of persons neglecting to make returns) is hereby amended—

Amendment  
of section 24  
of principal  
Law.

- (a) by deleting the words “and there shall be added to such assessment, in case of real property of the value of twenty pounds, the sum of sixpence, and,



in case of real property of over twenty pounds in value, the sum of threepence on every ten pounds or fractional part of ten pounds of the value of such property," and substituting therefor the words "and in the case of real property there shall be added to such duties or taxes a penalty of threepence on every four shillings or fractional part of four shillings of such duties or taxes,"; and

- (b) by deleting from the proviso thereto the words "shall not exceed in any case the sum of three pounds", and substituting therefor the words "in any case shall not be less than sixpence and shall not exceed the sum of ten pounds."

Amendment  
of section  
47 of prin-  
cipal Law.

3—Section 47 of the principal Law is hereby amended—

- (a) by deleting from subsection (3) the words "shall receive any sum offered by the defaulter on account of taxes, duties, arrears and penalty thereon, not being less than 25% thereof, and may, in his absolute discretion, receive any smaller sum offered by the defaulter on account thereof:" and substituting therefor the words—

"may, if he is satisfied that any action taken to enforce the order can be effectively suspended, receive any sum offered by the defaulter on account of taxes, duties, arrears and penalty thereon:"; and

- (b) by deleting from the first proviso to subsection (3) the words "in either case".

No. 7—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

25th February, 1960

A LAW to Amend the Medical Law.

[25th February, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Medical (Amendment) Law, 1960, and shall be read and construed as one with the Medical Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 241.

2—Section 27 of the principal Law is hereby amended by the insertion of the words “censured, suspended or” immediately after the word “be” in paragraph (c) of subsection (1).

Amendment  
of section 27  
of principal  
Law.





No. 8—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

25th February, 1960

A LAW to Amend the Tonnage Tax Law.

[25th February, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Tonnage Tax (Amendment) Law, 1960, and shall be read and construed as one with the Tonnage Tax Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 382.

2—Section 8 of the principal Law is hereby amended by the deletion from the last line of the word "sixty" and the substitution therefor of the word "sixty-one".

Amendment  
of section 8  
of princi-  
pal Law.



No. 9—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

25th February, 1960

A LAW to Amend the Constables (District) Law.

[25th February, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Constables (District) (Amendment) Law, 1960, and shall be read and construed as one with the Constables (District) Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.

Cap. 70.

2—Section 16 of the principal Law is hereby amended in the following respects—

Amendment  
of section 16  
of principal  
Law.

- (a) by re-numbering the existing section as subsection (1) of the section;



- (b) by deleting the colon and the provisos appearing after the word "punishable" and inserting instead a full stop;
- (c) by deleting the words "Governor in Council" and inserting instead the word "Minister"; and
- (d) by inserting, immediately after subsection (1), the following subsections as subsections (2), (3) and (4) of the section—

" (2) The Custos on whose demand any special district constable is appointed shall, as early as practicable, report such appointment to the Minister and obtain his sanction for the continuance in employment of such special district constable.

(3) The person on whose application any special district constable is appointed may, by giving ten days' notice in writing to the officer of the Police Force in charge of the parish, require that the appointment of such special district constable be discontinued, and at the expiration of such notice the services of such special district constable shall be discontinued.

(4) The Minister may at any time terminate the employment of any special district constable."

No. 10—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

25th February, 1960

A LAW to Amend the Judicature (Supreme Court) Law.

[ The date of any Proclamation issued by the  
Governor bringing the Law into operation. ]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Judicature (Supreme Court) (Amendment) Law, 1960, and shall be read and construed as one with the Judicature (Supreme Court) Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on a day to be appointed by the Governor by proclamation.

Short title,  
construction  
and  
commence-  
ment.  
Cap. 180.

2—The principal Law is hereby amended by inserting therein next after section 12 the following section as section 12A—

Insertion of  
new section  
12A in prin-  
cipal law.

" Appoint-  
ment and  
duties of  
shorthand  
writers.

12A—(1) There shall from time to time be appointed such number of shorthand writers who shall receive such salary as the

Governor with the sanction of the House of Representatives may determine.

(2) Shorthand notes shall be taken of the proceedings at the trial of any person on indictment in the High Court, and a transcript of the notes or any part thereof shall—

- (a) on any appeal or application for leave to appeal be made and furnished to the Registrar if he so directs; and
- (b) be made and furnished to any party interested upon the payment of such charges as may be fixed by Rules of Court whether the person tried was or was not convicted, or in any case where the jury were discharged before verdict.

(3) Subject to the provisions of sub-sections (4) and (5) of this section shorthand notes shall also be taken of the whole or of any part of the proceedings at the trial of civil actions or proceedings in the High Court upon request in writing to the Registrar by any party thereto and a transcript of the notes or any part thereof shall—

- (a) on any appeal be made and furnished to the Registrar if he so directs; and
- (b) be made and furnished to any party interested upon the payment to the Registrar of such charge, not exceeding sixpence per folio of one hundred and sixty words and not



exceeding twenty-five per cent. of such charge for each carbon copy thereof, as may be fixed by Rules of Court.

(4) The duties to be performed by the shorthand writers under subsection (2) of this section shall take precedence of the duties to be performed by the shorthand writers under subsection (3) of this section.

(5) A fee of three pounds three shillings per day of five hours and a further fee of ten shillings and sixpence for every hour or part of an hour over the first five hours, payable in advance unless a Judge otherwise orders, shall be paid to the Registrar for the attendance at the trial of a civil action or proceeding of a shorthand writer.

(6) Rules of Court may make such provision as is necessary for securing the accuracy of the notes to be taken and the verification of the transcript."

3—Section 6 of the Judicature (Court of Appeal) Law is hereby repealed. Repeal.  
Cap. 178.



No. 11—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

25th February, 1960

A LAW to Amend the Pioneer Industries (Encouragement) Law.

[25th February, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Pioneer Industries (Encouragement) (Amendment) Law, 1960, and shall be read and construed as one with the Pioneer Industries (Encouragement) Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 294.

2—Section 5 of the principal Law is hereby amended by adding thereto next after subsection (2) the following as subsections (3) and (4)—

Amendment  
of section 5  
of principal  
Law.

“(3) For the purposes of this section articles for equipping a pioneer factory (or any extension thereof)



shall be deemed to include equipment for offices and for other ancillary facilities necessary for the proper administration of the pioneer factory (or any extension thereof) and for the health, safety, hygiene and welfare at the pioneer factory (or any extension thereof) of persons there employed.

(4) The Governor in Council may from time to time, by order, amend the Schedule to this Law—

- (a) by deleting therefrom any article being manufactured in Jamaica, if the Governor in Council is satisfied that such article manufactured as aforesaid is available in a quantity sufficient to meet the demand therefor and is of a quality and is sold at a price reasonably comparable with the quality and price of similar articles not manufactured in the Island; or
- (b) by adding any article thereto.”.

No. 12—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

25th February, 1960

A LAW to Amend the Industrial Incentives Law, 1956

[25th February, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Industrial Incentives (Amendment) Law, 1960, and shall be read and construed as one with the Industrial Incentives Law, 1956, hereinafter referred to as the principal Law.

Short title  
and con-  
struction.  
Law 45  
of 1956.

2—Section 4 of the principal Law is hereby amended by adding thereto next after subsection (4) the following as subsections (5) and (6), respectively—

Amendment  
of section 4  
of principal  
Law.

“(5) On the application of an approved enterprise the Minister may, in his discretion and upon such conditions as he thinks fit, amend an order made

under this section in respect of the date of production specified therein; and thereupon the provisions of this Law shall, subject to any conditions specified in relation to such amendment, have effect as if for the date of production declared pursuant to subsection (2) of this section there were substituted the date of production amended as aforesaid.

(6) Without prejudice to the generality of subsection (5) of this section, the amendment of an order pursuant to that subsection may be made on terms which permit an option exercised in accordance with subsection (2) of section 10 of this Law to be changed at any time before the date of production as amended, or on terms which require that no such change in the exercise of an option shall be made.”

Amendment  
of section 12  
of principal  
Law.

3—Section 12 of the principal Law is hereby amended by deleting from sub-paragraph (ii) of paragraph (a) thereof the figures “16 $\frac{2}{3}$ ” and “33 $\frac{1}{3}$ ” and substituting therefor the figures “66 $\frac{2}{3}$ ” and “83 $\frac{1}{3}$ ”, respectively.

Amendment  
of section 13  
of principal  
Law.

4—Section 13 of the principal Law is hereby amended by inserting therein next after subsection (4) the following as subsection (4A)—

“(4A) Where a shareholder to whom a dividend is paid pursuant to subsection (1) of this section is not resident in the Island and is liable to income tax in respect of the dividend in the country in which he is resident, he shall be exempt from so much of the income tax in respect of that dividend as the Commissioner of Income Tax is satisfied exceeds his liability in respect of such dividend in the country in which he is resident:

Provided that the exemption from income tax created by this subsection—

(i) shall not extend to surtax; and



- (ii) shall not exceed, as regards the rate of the tax from which the shareholder is relieved, the rate of the tax which would, but for the provisions of this Part of this Law, have been paid by the company on the profits out of which the dividend is paid.”.

5—Section 15 of the principal Law is hereby amended by adding thereto next after subsection (3) the following as subsections (4) and (5), respectively—

Amendment  
of section 15  
of principal  
Law.

“(4) For the purposes of this section—

- (a) articles for equipping factory premises (or any extension thereof) shall be deemed to include equipment for offices and other ancillary facilities necessary for the proper administration of the factory premises (or any extension thereof) and for the health, safety, hygiene and welfare at the factory premises (or any extension thereof) of persons there employed; and
- (b) an approved enterprise which, during the period from the date of application to be declared an approved enterprise to the date on which the declaration is made, imports any article to which subsection (3) of this section relates, shall be regarded as having been an approved enterprise with effect from the first date during that period on which it imported any such article as aforesaid.

(5) The Governor in Council may from time to time, by order, amend the Third Schedule to this Law—

- (a) by deleting therefrom any article being manufactured in Jamaica, if the Governor in Council is satisfied that such article manufactured as aforesaid is available in a

quantity sufficient to meet the demand therefor and is of a quality and is sold at a price reasonably comparable with the quality and price of similar articles not manufactured in the Island; or

(b) by adding any article thereto.”.

Insertion of  
marginal  
note to  
section 19  
of principal  
Law.

6—The principal Law is hereby amended by adding thereto as a marginal note to section 19 thereof the following—

“ Restriction  
on use of  
factory  
premises. ”.

No. 13—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

25th February, 1960

A LAW to Amend the Export Industry Encouragement  
Law, 1956.

[25th February, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legislative  
Council and House of Representatives of Jamaica, and by  
the authority of the same, as follows :—

1—This Law may be cited as the Export Industry  
Encouragement (Amendment) Law, 1960, and shall be read  
and construed as one with the Export Industry Encourage-  
ment Law, 1956, hereinafter referred to as the principal  
Law.

Short title  
and con-  
struction.

Law 49 of  
1956.

2—Section 4 of the principal Law is hereby amended—

(a) by adding to paragraph (a) of subsection (1) there-  
of immediately after the word "Island" the  
words "to territories other than those included in  
the Federation of The West Indies"; and

Amendment  
of section 4  
of principal  
Law.



- (b) by adding thereto next after subsection (4) the following as subsections (5) and (6), respectively—

“(5) On the application of an approved export manufacturer the Minister may, in his discretion and upon such conditions as he thinks fit, amend an order made under this section in respect of the date of production specified therein; and thereupon the provisions of this Law shall, subject to any conditions specified in relation to such amendment, have effect as if for the date of production declared pursuant to subsection (2) of this section there were substituted the date of production amended as aforesaid.

(6) Without prejudice to the generality of subsection (5) of this section, the amendment of an order pursuant to that subsection may be made on terms which permit an option exercised in accordance with subsection (2) of section 9 of this Law or in accordance with section 10 of the Industrial Incentives Law to be changed at any time before the date of production as amended, or on terms which require that no such change in the exercise of an option shall be made.”.

Law 45  
of 1956.

Amendment  
of section 12  
of principal  
Law.

3—Section 12 of the principal Law is hereby amended by deleting subsection (3) thereof and substituting therefor the following as subsections (3) and (4), respectively—

“(3) The goods specified in subsection (4) of this section may be deposited in such factory or such part or parts thereof as may be specified by the Collector General upon first importation without payment thereon of customs or excise duty or of tonnage tax.

(4) Subsection (3) of this section shall apply to the following goods imported by an

approved export manufacturer for use in the manufacture or preparation for export or sale of the relevant approved export product, that is to say—

- (a) all types of containers including labels;
- (b) fuel;
- (c) raw materials, chemicals, other ingredients and supplies whether in a manufactured or semi-manufactured state and whether intended to form part of the finished product or not.”.

4—Section 15 of the principal Law is hereby amended by deleting the full stop at the end of the section and by adding immediately after the word “Jamaica” the following—

Amendment  
of section 15  
of principal  
Law.

“ or in any other territory of the Federation of The West Indies :

Provided that nothing in this section shall—

- (a) prevent the sale, gift or other disposition of an approved export product by one approved export manufacturer to another approved export manufacturer to be used in, wrought into, or attached to, an approved export product;
- (b) prevent any approved export manufacturer approved as such prior to the date of commencement of the Export Industry Encouragement (Amendment) Law, 1960, from selling, giving away or otherwise disposing of an approved export product for use in any territory of the Federation of The West Indies other than Jamaica.”.





JAMAICA

No. 14—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

25th February, 1960

A LAW to repeal the Indian Immigrants Marriage,  
Divorce and Succession Law.

[25th February, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by  
and with the advice and consent of the Legislative Council  
and House of Representatives of Jamaica, and by the  
authority of the same, as follows:—

1—This Law may be cited as the Indian Immigrants Short title.  
Marriage, Divorce and Succession (Repeal) Law, 1960.

2—The Indian Immigrants Marriage, Divorce and Repeal of  
Succession Law is hereby repealed. Cap. 157



No. 15—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

25th February, 1960

A LAW to Amend the Road Traffic Law.

[25th February, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Road Traffic (Amendment) Law, 1960 and shall be read and construed as one with the Road Traffic Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 346.

2—Section 51 of the principal Law is hereby amended by adding thereto next after paragraph (x) the following paragraph as paragraph (y)—

Amendment  
of section  
51 of prin-  
cipal Law.

“ (y) providing for the prior right of passage along all roads of motor vehicles used—

(i) in consequence of an alarm of fire or for the purpose of proceeding to a



fire by any Constable or any officer, sub-officer or fireman of a Fire Brigade constituted under either the Kingston and St. Andrew Fire Brigade Law or the Parochial Fire Brigade Law.

Cap. 193.

Cap. 273.

- (ii) for the purpose of collecting or transporting a person in immediate need of medical attention.”.

Amendment  
of section  
81 of  
principal  
Law.

3—Paragraph (b) of subsection (1) of section 81 of the principal Law is hereby amended by substituting for the words “for the purpose of driving any such vehicles” the words “and intending to make only a temporary stay in Jamaica”; and that paragraph shall be deemed always to have had effect as so amended.

Additional  
section  
81A of  
principal  
Law.

4—In the principal Law next after section 81 there shall be inserted the following section as section 81A—

“ Cases not  
within any  
convention.

81A—The powers conferred by section 81 of this Law shall be exercisable for the benefit of persons resident in a country which is not a party to any such convention as is referred to in that section, in like manner and to the like extent as those powers may be exercised for the benefit of such persons as are so referred to.”.

No. 16—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

31st March, 1960

A LAW to Amend the Property Tax Law

[31st March, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Property Tax (Amendment) Law, 1960, and shall be read and construed as one with the Property Tax Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 312.

2—Subsection (1) of section 2 of the principal Law is hereby amended by adding thereto immediately after the words "of the value of such property" the following:—

Amendment  
of section 2  
of principal  
Law.

"and from and after the 1st day of April, 1960, the said property tax shall be at the rate of one shilling and fourpence on every Ten Pounds or fractional part of Ten Pounds of the value of such property."





No. 17—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

29th April, 1960

A LAW to Amend the Banana Board Law, 1953, for the purpose of reconstituting the Banana Board, and in other respects.

[ The date of any Proclamation issued by the ]  
Governor bringing the Law into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House Representatives of Jamaica, and by the authority of the same, as follows:—

1—(1) This Law may be cited as the Banana Board (Amendment) Law, 1960, and shall be construed as one with the Banana Board Law, 1953 (in this Law referred to as the principal Law) and all amendments thereto.

Short title,  
construc-  
tion and  
commence-  
ment.

Law 24 of  
1953.

(2) This Law shall come into operation on such day as the Governor shall by Proclamation appoint.

2—(1) The several provisions of the principal Law specified in the First Schedule to this Law are hereby amended in the manner respectively so specified.

Amendments  
and repeals  
of pro-  
visions of  
principal  
Law.

(2) The said First Schedule shall have effect as if it in terms repealed—

- (a) provisions and words thereby deleted from the principal Law; and
- (b) provisions and words for which other provisions (or, as the case may be, words) are substituted by that Schedule;

Cap. 165. and section 24 of the Interpretation Law shall apply accordingly.

(3) The several sections of the principal Law specified in the Second Schedule to this Law are hereby repealed.

Dissolution  
of existing  
Board;  
saving.

3—The members of the Board holding office immediately before the coming into operation of this Law shall cease to hold office and the Board shall thereafter be reconstituted under subsection (2) of section 3 of the principal Law, as substituted by the First Schedule to this Law.

#### FIRST SCHEDULE

(Section 2(1) )

#### *Amendments of the principal Law*

#### PART I—*Amendments consequential on the Jamaica (Constitution) Order in Council, 1959*

In section 2, in the definition of "the Minister", for the words "Executive Council" there is substituted the word "Cabinet".

For the words "the Governor in Council" where those words occur—

- (a) in section 18, there are substituted the words "the Minister of Finance";
- (b) elsewhere in the Law, there are substituted the words "the Minister".

#### PART II—*Other Amendments*

Section 2: The definition "nominating body" is hereby deleted.

Section 3: For subsection (2) there are substituted the following subsections—

- (2) The Board shall be appointed by the Minister and shall consist of a chairman and four other members.

(3) The Minister may appoint a person to fill a vacancy among the members, and a member so appointed shall hold office for the residue of the term of the member whom he has succeeded.

*Section 4:* For section 4 there is substituted the following section—

Temporary  
members.

4—The Minister may appoint a person to act temporarily in the place of a member who is absent or unable to act; and a person so appointed shall while so acting have all the powers and be liable to perform all the duties of the member in whose place he so acts.

*Section 10:* For section 10 there is substituted the following section—

Removal of  
members;  
temporary  
chairman.

10—(1) The Minister if he thinks it expedient so to do may at any time remove any member from office.

(2) In the event of the absence or inability to act of the chairman the Minister may appoint any person to act temporarily as chairman; and subject to the conditions (if any) of his appointment a person so appointed shall while so acting have all the powers and be liable to perform all the duties of the chairman; but where an appointment under this subsection is made by reason of the absence from Jamaica of the chairman in the course of the performance of the functions of his office as such, this subsection shall not operate to invalidate anything done by him in the course of such performance during such absence.

*Section 12:* For the word "constituted" there are substituted the words "reconstituted in accordance with the Banana Board (Amendment) Law, 1960".

*Section 13:* In subsection (3) for the words "the secretary or the general manager of the Board" there are substituted the words "the secretary or such other officer as may be authorised by the Board".

*Section 14:* For subsection (4) there is substituted the following subsection—

(4) The quorum of the Board shall be three including the chairman or acting chairman.

*Section 22:* For subsection (1) there is substituted the following subsection—

(1) The Board may delegate to the chairman such of their functions subject to such conditions (if any) as they think proper.

At the end of subsection (1) there is inserted the following subsection—

(2) The Board for the purpose of the performance of any of their functions may appoint committees each consisting of a member or members of the Board and such other persons as appear to the Board to be appropriate, and may delegate to any such committee such functions subject to such conditions and restrictions as may be specified in the resolution of appointment; and in relation to such other persons section 20 of this Law shall have the like effect as it has in relation to members.



Subsection (2) is re-numbered (3), and for the words therein "or such general manager or committee" there are substituted the words "or any committee".

## SECOND SCHEDULE

(Section 2(3) )

*Sections of the principal Law repealed*

Sections 5, 6, 7 and 11.

No. 18—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

29th April, 1960

A LAW to Amend the Kingston and St. Andrew Corporation Law.

[30th April, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Kingston and St. Andrew Corporation (Amendment) Law, 1960, and shall be read and construed as one with the Kingston and St. Andrew Corporation Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 192.

2—The principal Law is hereby amended by the insertion next after section 216A of the following section as 216B—

Insertion of  
new section  
216B in  
principal  
Law.

“ General  
power to  
acquire land.

216B—In addition to any other power conferred by this Law upon the Council to acquire land, the Council may from time to

Cap. 207.

time, with the approval of the Minister, acquire under the Lands Clauses Law, or in any other manner, for any public purpose to be named by the Minister in signifying his approval as aforesaid lands not exceeding such quantity as in such approval shall be limited.”.



No. 19—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

29th April, 1960

A LAW to secure the provision of adequate sanitation in certain premises licensed under the Spirit Licence Law.

[ The date of any Proclamation issued by the  
Governor bringing the Law into operation. ]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—(1) This Law may be cited as the Spirit Licence (Amendment) Law, 1960, and shall be read and construed as one with the Spirit Licence Law (in this Law referred to as the principal Law) and all amendments thereto.

Short title,  
construction  
and com-  
mencement.  
Cap. 364.

(2) This Law shall come into operation on such day as the Governor shall by Proclamation appoint.

2—(1) In subsection (2) of section 19 of the principal Law the words following the words "from the bar" are hereby repealed.

Amendment  
of section  
19 of prin-  
cipal Law.

Amendment  
of section  
20 of prin-  
cipal Law.

(2) At the end of the said section 19 there shall be added the following subsection—

“(4) No building shall be deemed to be fit to be licensed for the sale and consumption on the premises of alcoholic liquor if in the opinion of the Licensing Authority the sanitary conveniences provided therein or in connection therewith are inadequate.”.

No. 20—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

29th April, 1960

A LAW Further to amend the Road Traffic Law and to declare the validity of certain acts done thereunder.

[ The date of any Proclamation issued by the ]  
Governor bringing the Law into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Road Traffic (Amendment) (No. 2) Law, 1960, and shall be read and construed as one with the Road Traffic Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on a day to be appointed by the Governor by Proclamation.

Short title,  
construction and  
commencement.  
Cap. 346.

2—The principal Law is hereby amended by the insertion therein—

Insertion  
of new  
sections 3A  
and 5A in  
principal  
Law.  
Schedule.

- (a) immediately after section 3, of the section numbered 3A set forth in the Schedule to this Law; and



- (b) immediately after section 5, of the section numbered 5A and set forth in the said Schedule;

and as so amended shall be deemed to have effect as from the 31st day of March, 1938, and accordingly, in so far as any function of the Island Traffic Authority, any Traffic Area Authority or any Licensing Authority has, prior to the date of commencement of this Law, been discharged in good faith by any officer or servant of or attached to any such Authority or by a Collector of Taxes or any other public officer as the case may be, that function is hereby declared to have been validly discharged.

#### SCHEDULE

(Section 2)

#### *New Sections added to the principal Law*

Delegation  
of functions  
by Traffic  
Authorities.

3A—(1) The Island Traffic Authority or any Traffic Area Authority may for the purpose of the due discharge of its functions under this Law delegate any of those functions to any officer or servant of or attached to either of these Authorities.

(2) A delegation under this section may be made in respect of any particular matter or class of matters or generally or may be limited to any part of the Island and may be made subject to such terms and conditions as the delegating Authority thinks fit.

(3) A delegation under this section—

- (a) may at any time be revoked by the delegating Authority;
- (b) while in force shall not prevent the discharge by the delegating Authority of any function thereby delegated.

Delegation  
of functions  
by Licensing  
Authority.

5A—(1) A Licensing Authority may for the purpose of the due discharge of its functions under this Law delegate any of those functions to a Collector of Taxes or any other public officer.

(2) A delegation under this section may be made in respect of any particular matter or class of matters or generally or may be limited to any part of the licensing area of the delegating Authority and may be made subject to such terms and conditions as the delegating Authority thinks fit.

(3) A delegation under this section—

- (a) may at any time be revoked by the delegating Authority;
- (b) while in force shall not prevent the discharge by the delegating Authority of any function thereby delegated.

No. 21--1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

12th May, 1960

A LAW to Provide for the vesting of Crown Lands in the Commissioner of Lands, the vesting of certain other Crown property in the Accountant General and for other matters connected therewith or incidental thereto.

[The date of any Proclamation issued by the]  
Governor bringing the Law into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Crown Property (Vesting) Law, 1960, and shall come into operation on a day to be appointed by the Governor by Proclamation.

Short title  
and com-  
mencement.

2—In this Law unless the context otherwise requires—  
“Accountant General” means the Accountant General appointed under section 16 of the Financial Administration and Audit Law, 1959;

Interpreta-  
tion.

Law 34 of  
1959.

“Commissioner” means the Commissioner of Lands appointed under section 3 of this Law;

“existing instrument” means—

- (a) any Law in force in this Island at the commencement of this Law;
- (b) any Law which having been made before the commencement of this Law is brought into operation in this Island on or after the commencement of this Law;
- (c) any regulations made under any such Law as aforesaid;
- (d) any transfer, conveyance, lease, will or other assurance of land executed before the commencement of this Law and existing at the commencement of this Law;
- (e) any certificate of title registered by the Registrar of Titles in accordance with the provisions of the Registration of Titles Law and existing at the commencement of this Law;
- (f) any writ, certificate, decree or order issued, granted or made by any Court and existing at the commencement of this Law;
- (g) any deed or other instrument creating a mortgage, charge or other incumbrance on land and existing at the commencement of this Law; or
- (h) any certificate or other document relating to the holding of shares, debentures or other securities made before, and existing at, the commencement of this Law;

Cap. 340.

“land” means land of any tenure and tenements and hereditaments, whether corporeal or incorporeal, and houses and other buildings, and includes any estate, right or interest in, to or over land.



3—(1) The Governor acting upon the recommendation of the Public Service Commission may from time to time appoint a fit and proper person to be Commissioner of Lands.

Commis-  
sioner of  
Lands.

(2) The Commissioner for the time being shall be a corporation sole by the name of the Commissioner of Lands and shall have power to acquire, hold and dispose of land and other property of whatever kind.

(3) The Commissioner shall have an official seal which shall be authenticated by the signature of the Commissioner and shall be officially and judicially noticed.

(4) Except in accordance with the provisions of any Law or under any power or directions contained in any transfer, conveyance, will or other instrument, the Commissioner shall not, without either general or special authority in writing from the Minister—

- (a) sell, convey, exchange, grant, assign, surrender or yield up, mortgage, lease or let any land vested in him by or under this Law; or
- (b) sell, transfer, assign or otherwise dispose of any right or interest in any minerals or petroleum vested in him under section 5 of this Law.

(5) In this section "Minister" means either the Minister appointed under section 48 or a temporary Minister appointed under section 51 of the Jamaica (Constitution) Order in Council, 1959, and charged for the time being with responsibility for the subject of Crown Lands.

4—(1) All lands which immediately before the commencement of this Law were vested in or held by the Chief Secretary are hereby transferred to and vested in the Commissioner and shall be held by him and his successors in the said office for the like estate and interest and to the like extent as such lands were vested in or held by the Chief Secretary.

Lands vested  
and to be  
vested in  
the Commis-  
sioner.

Law 67 of  
1955.

(2) All lands acquired, by whatever means, on or after the commencement of this Law, for the use of the Government of this Island, other than lands acquired by the Director of Housing for the purposes of the Housing Law, 1955, shall be vested in the Commissioner for the time being and held by him and his successors in the said office in trust for Her Majesty, her heirs and successors—

- (a) for the purposes for which such lands are purchased, taken or held under any Law; or
- (b) in accordance with the terms of the transfer, conveyance, lease, will or other assurance executed in relation thereto.

Minerals  
and petro-  
leum after  
severance  
from the  
land.

Cap. 251.

Cap. 292.

### 5—Where—

- (a) any mineral declared by the Minerals (Vesting) Law to be vested in the Crown; or
- (b) any petroleum vested in the Crown by the Petroleum (Production) Law,

is severed from the land, then without prejudice to any rights, powers or duties conferred or imposed by any Law or regulations upon the Commissioner of Mines in respect of such minerals or petroleum upon severance thereof from the land, all the rights and interests of the Crown in such minerals or petroleum upon severance from the land shall vest in the Commissioner for the time being and be held by him and his successors in the said office in trust for or on behalf of Her Majesty, her heirs and successors.

Incorporation  
of  
Accountant  
General.

6—(1) The Accountant General for the time being shall be a corporation sole by the name of the Accountant General and shall have power to hold and dispose of land and other property of whatever kind.

(2) The Accountant General shall have an official seal which shall be authenticated by the signature of the Accountant General or any person authorised by him to act in that behalf and shall be officially and judicially noticed.



(3) Except in accordance with the provisions of any Law or regulations or under any power or directions contained in any deed, will or other instrument, the Accountant General shall not, without authority in writing from the Minister, sell, transfer, assign or otherwise dispose of any property vested in him by or under this Law.

(4) In this section "Minister" means either the Minister appointed under section 48 or a temporary Minister appointed under section 51 of the Jamaica (Constitution) Order in Council, 1959, and charged for the time being with responsibility for the subject of Finance.

7—(1) All property held by the Chief Secretary or belonging to the Government of this Island immediately before the commencement of this Law, other than property vested in the Director of Housing for the purposes of the Housing Law, 1955, or property transferred to and vested in the Commissioner by subsection (1) of section 4 of this Law, is hereby transferred to and vested in the Accountant General and his successors in the said office to be held (except where and to such extent as any such property was held on other trusts) in trust for the Government of this Island.

Certain property vested and to be vested in the Accountant General.

Law 67 of 1955.

(2) All property acquired, by whatever means, after the commencement of this Law, by or for the use of the Government of this Island, other than—

- (a) property required by subsection (2) of section 4 of this Law to be vested in the Commissioner;
- (b) any rights and interests in minerals or petroleum vesting in the Commissioner in accordance with the provisions of section 5 of this Law; and
- (c) property acquired by the Director of Housing for the purposes of the Housing Law, 1955,

shall be vested in the Accountant General and his successors in the said office in trust for the Government of this Island.



Transi-  
tional.

8—(1) Wherever the expression “Chief Secretary” appears in any existing instrument, so far as such instrument relates to the vesting of lands in, or the acquisition, holding, sale, conveyance, exchange, grant, assignment, surrender, mortgage, lease or letting thereof by the Chief Secretary, such instrument shall have effect on and after the commencement of this Law as if for the expression “Chief Secretary” there were substituted the expression “Commissioner of Lands”.

(2) Wherever the expression “Chief Secretary” appears in any existing instrument, so far as such instrument relates to the vesting in the Chief Secretary or the acquisition and holding or disposal by him of property being property vested or required to be vested in the Accountant General in accordance with the provisions of this Law, such instrument shall have effect on and after the commencement of this Law as if for the expression “Chief Secretary” there were substituted the expression “Accountant General”.

(3) The person who immediately before the commencement of this Law held the office of Commissioner of Lands shall be deemed, on the commencement of this Law, to be appointed under section 3 of this Law.

Repeal.

9—The following Laws are hereby repealed—

Cap. 67.

(a) the Colonial Secretariat Law; and

Law 3 of  
1958.

(b) the Chief Secretary (Vesting of Property) Law,  
1958.

No. 22—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

12th May, 1960

A LAW to Apply a sum out of general revenue to the service of the year ending on the 31st day of March, 1961, and to appropriate the supplies granted in this Session of the Legislature.

[12th May, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Appropriation Law, Short title.  
1960.

2—The Accountant General may on the warrant of the Minister issue out of general revenue a sum not exceeding in the aggregate Thirty-two Million and Eight Hundred and Seventy-six Thousand One Hundred and Fifty-six Pounds for defraying the several charges and expenses of Expenditure authorised.

the Civil Government of the Island, and for other purposes, for the financial year ending on the 31st day of March, 1961.

Appropriations.

Schedule.

3—(1) The sum granted by section 2 of this Law is hereby appropriated for the services and purposes expressed in the Schedule to this Law and shall be deemed to have been so appropriated from the 1st day of April, 1960.

(2) In addition to the said sum granted out of general revenue, there may be applied by such officer or officers as the Minister may designate out of any money whether received by way of fee, penalty, proceeds of sale or by way of unusual receipt, as appropriations-in-aid of the services and purposes specified in the Schedule to this Law, the sums respectively set forth in the last column of the said Schedule.

#### SCHEDULE

(Section 3)

Schedule of sums granted and of the sums which may be applied as Appropriations-in-Aid in addition thereto to defray the charges of the several Heads of Expenditure herein particularly mentioned, which will come in course of payment during the year ending on 31st March, 1961.

Head of Expenditure				Sum Granted	Appropriations-in-Aid
				£	£
1.	His Excellency the Governor and Staff	...	...	28,740	—
2.	Audit	...	...	80,100	5,808
3.	Legislature	...	...	137,200	—
4.	Services Commissions	...	...	39,180	—
5.	Office of the Premier and Ministry of Development	...	...	192,460	520
5A.	Office of the Premier and Ministry of Development (Capital)	...	...	657,837	—
6.	Department of Statistics	...	...	143,570	—
7.	Geological Survey	...	...	52,260	—
8.	Department of Mines	...	...	18,060	340
9.	Office of the Parliamentary Counsel	...	...	21,490	—
10.	Town Planning	...	...	28,130	—
11.	Ministry of Finance	...	...	144,970	—
Carried Forward				£1,543,997	£6,668



Head of Expenditure		Sum Granted	Appropriations-in-Aid
		£	£
	Brought Forward ...	1,543,997	6,668
11A.	Ministry of Finance (Capital Financing Provisions) ...	701,348	—
11B.	Ministry of Finance (Capital) ...	1,281,350	—
12.	Accountant General ...	127,170	—
13.	Administrator General ...	38,920	10,750
14.	Bankruptcy ...	10,840	525
15.	Collector General ...	545,920	83,320
16.	Currency ...	50,890	—
17.	Income Tax ...	128,980	—
18.	Savings Bank ...	84,950	—
19.	Stamp Duties and Estate Duties ...	18,680	—
20.	Miscellaneous ...	352,290	—
21.	Pensions ...	224,131	—
22.	Public Debt Charges ...	—	—
23.	Special Funds (Insurance Fund) ...	—	—
24.	Federal Government Contributions ...	—	—
25.	Ministry of Agriculture and Lands ...	1,229,030	52,240
25A.	Ministry of Agriculture and Lands (Capital) ...	1,511,991	88,400
26.	Agricultural Loan Societies Board ...	61,740	380
27.	Co-operative Department ...	34,980	—
28.	Forests ...	72,570	4,500
29.	Lands ...	198,090	49,965
30.	Registrar of Titles ...	30,560	—
31.	Rio Cobre Irrigation ...	38,140	—
32.	Surveys ...	132,610	4,100
33.	Ministry of Health ...	3,025,330	297,150
33A.	Ministry of Health (Capital) ...	629,203	18,519
34.	Bellevue Hospital ...	514,406	8,200
35.	Government Chemist ...	24,850	525
36.	Registrar General and Island Record Office ...	40,450	18,520
37.	Ministry of Home Affairs ...	164,180	200
37A.	Ministry of Home Affairs (Capital) ...	1,116,925	—
38.	Local Government Contributions ...	2,033,380	—
39.	Police ...	1,515,250	62,900
40.	Attorney General ...	33,570	—
41.	Crown Solicitor ...	19,640	—
42.	Resident Magistrates Courts ...	179,810	—
43.	Supreme Court ...	46,120	—
44.	Ministry of Housing and Social Welfare ...	590,380	5,250
44A.	Ministry of Housing and Social Welfare (Capital) ...	60,530	—
45.	Department of Housing ...	272,520	54,621
Carried Forward ...		£18,685,721	£766,733

Head of Expenditure				Sum Granted	Appropriations-in-Aid
				£	£
	Brought Forward	...	...	18,685,721	766,733
46.	Prisons	...	...	368,340	146,050
47.	Probation Services	...	...	62,490	—
48.	Ministry of Education	...	...	4,740,680	17,280
48A.	Ministry of Education (Capital)	...	...	1,074,885	—
49.	Electoral Office	...	...	193,840	—
50.	Printing Office	...	...	144,800	124,780
51.	Ministry of Trade and Industry	...	...	167,890	—
51A.	Ministry of Trade and Industry (Capital)	...	...	804,000	—
52.	Marketing Department	...	...	79,300	198
53.	Trade Administrator	...	...	52,190	—
54.	Ministry of Labour	...	...	133,670	—
54A.	Ministry of Labour (Capital)	...	...	9,100	—
55.	Ministry of Communications and Works	...	...	1,028,170	—
55A.	Ministry of Communications and Works (Capital)	...	...	2,233,652	—
56.	Civil Aviation Department	...	...	53,378	169,000
57.	Harbours	...	...	41,810	17,200
58.	Post and Telegraphs	...	...	1,239,160	—
59.	Public Works Recurrent	...	...	1,763,080	380,920
Total				£32,876,156	£1,622,161

No. 23—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

12th May, 1960

A LAW to Amend the United States Bases Law.

[12th May, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the United States Bases (Amendment) Law, 1960, and shall be read and construed as one with the United States Bases Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 399.

2—Section 5 of the principal Law is hereby amended by the deletion of the figures "1960" and the substitution therefor of the figures "1961".

Amendment  
of section 5  
of principal  
Law.





No. 24—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

12th May, 1960

A LAW to Amend the Workmen's Compensation Law.

[12th May, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Workmen's Compensation (Amendment) Law, 1960, and shall be read and construed as one with the Workmen's Compensation Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 418

2—Section 2 of the principal Law is hereby amended in the following respects—

Amendment  
of section 2  
of principal  
Law.

- (1) by deleting the definition of "dependents" and substituting therefor the following—

" "dependents" means—

- (a) such of the members of a workman's family as were wholly or in part

dependent upon the wages of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent;

- (b) such of the following persons as were wholly or in part dependent upon the wages of the workman at the time of his death, or would but for the incapacity due to the accident have been so dependent, that is to say—
  - (i) any minor not being a member of the workman's family;
  - (ii) a parent or grandparent of whom the workman is the illegitimate child or grandchild;
- (c) any other person who satisfies the tribunal that immediately before the occurrence of the accident his relationship with the workman was such as to render him wholly dependent upon the wages of the workman and that either—
  - (i) there are no such dependents as are referred to in paragraphs (a) and (b) of this definition; or
  - (ii) special circumstances exist which justify that person's being treated as a dependent within the meaning of the said paragraph (a):

Provided that a person shall not be deemed to be a partial dependent of another person unless he was dependent partially on contributions from that other person for the provision of the ordinary necessities of life suitable for persons in his class and position;";



- (2) by deleting the colon appearing after the word "done" in the definition of "workman" and substituting therefor a semicolon and adding the following—

“ so, however, that any such person whose remuneration exceeds seven hundred and fifty pounds a year shall not be regarded as a workman unless his contract of service or apprenticeship so provides:”;

- (3) by deleting paragraph (a) of the proviso to the definition of "workman";
- (4) by deleting paragraph (f) of the proviso to the definition of "workman" and substituting therefor the following—

“ (f) domestic servants except—

- (i) those employed in a hotel, guest-house, boarding house, residential club, or other establishment of a like nature; and
- (ii) those who, in the performance of their duties as domestic servants, are engaged in driving any motor vehicle; or”.

3—Subsection (1) of section 5 of the principal Law is hereby amended in the following respects—

Amendment  
of section 5  
of principal  
Law.

- (a) by deleting from sub-paragraph (i) of paragraph (a) the words "five hundred" and substituting therefor the words "seven hundred and fifty";
- (b) by deleting from paragraph (b) the words "seven hundred" wherever they appear and substituting therefor the words "one thousand";
- (c) by deleting the semicolon at the end of sub-paragraph (ii) of paragraph (b) and substituting

therefor a colon and adding the following proviso—

“ Provided that the amount of compensation payable under sub-paragraph (i) or (ii) of this paragraph shall in no case be less than five hundred pounds;”

- (d) by deleting from sub-paragraph (i) of paragraph (d) the word “one-fourth” and substituting therefor the word “one-third”.

Amendment  
of section 6  
of principal  
Law.

4—Subsection (1) of section 6 of the principal Law is hereby amended—

- (a) by deleting paragraph (c) and substituting therefor the following—

“ (c) where the nature of the employment is casual, or where by reason of the shortness of the time during which the workman has been in the employment of his employer, or the absence of proper records of the workman's earnings, or the terms of employment, it is impracticable at the time of the accident to apply the method of computation set out in paragraph (b) of this subsection, the monthly wages of the workman shall be deemed to be—

- (i) the average monthly amount, which, during the twelve months immediately preceding the accident, was being earned by a workman in the same grade employed at the same work by the same employer, or, if there is no such workman so employed, by a person in the same grade employed in the same class of employment and in the same district; and in any event

(ii) not less than six pounds per month:";

(b) by deleting from the proviso the word "twenty" wherever it appears and substituting therefor the word "forty".

5—Section 7 of the principal Law is hereby amended by deleting the full stop at the end of subsection (2) and substituting therefor a colon and adding the following proviso—

Amendment  
of section 7  
of principal  
Law.

" Provided that no deduction shall be made from such lump sum of any amounts received by the workman in respect of the first six half-monthly payments."

6—Section 10 of the principal Law is hereby amended by deleting from subsection (5) the word "eight" and substituting therefor the word "twelve".

Amendment  
of section 10  
of principal  
Law.

7—Section 13 of the principal Law is hereby amended by adding next after subsection (2) the following subsection as subsection (3) of the section—

Amendment  
of section 13  
of principal  
Law.

" (3) Notwithstanding the provisions of subsection (1) of this section if the medical referee certifies that a workman is, by reason of injury, unfit for work for a period specified in the certificate and such workman ceases to reside in the Island during that period, any half-monthly payments, or balance of such payments, that may be due or may become due to him in respect of such period shall be redeemed by a lump sum."

8—Section 17 of the principal Law is hereby amended by deleting from paragraph (a) of the proviso to subsection (4) the word "fourteen" and substituting therefor the word "twenty-one".

Amendment  
of section 17  
of principal  
Law.

9—Section 24 of the principal Law is hereby amended by deleting subsection (2).

Amendment  
of section 24  
of principal  
Law.



Amendment  
of section 25  
of principal  
Law.

10—Section 25 of the principal Law is hereby amended by adding next after subsection (2) the following subsection as subsection (3) of the section—

“(3) Every claim or any matter arising out of proceedings thereunder in respect of an accident to any person specified in this section which occurred outside the territorial waters of Jamaica shall be determined by the Court of the Resident Magistrate for the parish of Kingston, and the provisions of sections 28 and 29 of this Law in relation to the procedure for making and dealing with applications shall apply.”.

Amendment  
of section 26  
of principal  
Law.

11—Section 26 of the principal Law is hereby amended by deleting the full stop at the end thereof and substituting therefor a colon and the following proviso—

“Provided that the Resident Magistrate for the parish in which the accident occurred may grant leave to the workman to make such application before the expiration of the period of four weeks specified in this section if the Resident Magistrate is satisfied that the workman is likely to suffer hardship in establishing his claim for compensation after the expiration of the said period by reason of the fact that the employer is about to leave this Island or to do some other act prejudicial to the claim of the workman.”.

Repeal and  
replacement  
of section 27  
of principal  
Law

12—Section 27 of the principal Law is hereby repealed and the following section substituted therefor—

“ Application  
to be made  
to Board.

27—(1) Where a Workmen's Compensation Board is appointed in any parish all applications for the determination of claims for compensation under this Law arising out of accidents occurring in that parish or for the determination of any matter arising out of proceedings thereunder shall be made to such Board.

(2) Where any application is made to a Workmen's Compensation Board the workman or the employer may, at any time after the making of such application and before commencement of the hearing thereof, apply to such Board for transfer of the application to the Resident Magistrate's Court for that parish and the Board shall thereupon transfer the application to the Resident Magistrate's Court and the claim or matter, as the case may be, shall be heard and determined by the Resident Magistrate.

(3) Until a Workmen's Compensation Board is appointed in any parish all applications for the determination of claims for compensation under this Law arising out of accidents occurring in that parish or for determination of any matter arising out of proceedings thereunder shall be made to the Resident Magistrate's Court for that parish and the provisions of sections 28 and 29 of this Law in relation to the procedure for making and dealing with applications before the Resident Magistrate's Court shall apply."

13—Section 29 of the principal Law is hereby amended—

Amendment  
of section 29  
of principal  
Law.

(a) by deleting from subsection (1) the word "fourteen" and substituting therefor the word "twenty-one";

(b) by deleting from subsection (2) the word "seven" and substituting therefor the word "fourteen".

Insertion of  
new section  
35A in  
principal  
Law.

14—The principal Law is hereby amended by inserting therein next after section 35 the following section as section 35A—

“ Appointment  
of  
Workmen's  
Compensation  
Boards.

35A—(1) The Minister may appoint a Workmen's Compensation Board for each parish to hear and determine claims for compensation under this Law and matters arising out of proceedings thereunder.

(2) The constitution, appointment, powers and duties of a Workmen's Compensation Board, the procedure for making and dealing with applications for compensation before such Board and the right to appeal from the decisions thereof shall be prescribed by regulations.”.

Addition of  
new sections  
40 and 41 to  
principal  
Law.

15—The principal Law is hereby amended by adding next after section 39 the following sections as sections 40 and 41—

“ Industrial  
diseases.

Law 24 of  
1960.

40—(1) A workman shall be entitled to compensation under this Law where he becomes incapacitated by reason of any disease prescribed by regulations made under this Law as being a disease due to the nature of his employment and developed after the commencement of the Workmen's Compensation (Amendment) Law, 1960.

(2) A disease may be prescribed for the purposes of this Law in relation to any workman if the Minister is satisfied that—

- (a) it ought to be treated, having regard to its causes and incidence and any other relevant considerations, as a risk of his occupation and not as a risk common to all persons; and



- (b) it is such that, the attribution of particular cases to the nature of the employment can be established or presumed with reasonable certainty.

(3) Regulations prescribing any disease for the purposes of this Law may provide that a workman who developed the disease on or at any time after a date specified in the regulations (being a date before the regulations came into force but not before the commencement of the Workmen's Compensation (Amendment) Law, 1960) shall be treated for the purposes of this Law, subject to any modifications prescribed in such regulations as if the regulations had been in force at the time when he developed the disease.

(4) Regulations prescribing any disease for the purposes of this Law may provide for determining the time at which a workman is to be treated for the purposes of this Law as having developed such disease, and the circumstances in which such disease is, where the workman in question has previously suffered therefrom, to be treated as having recrudesced or as having been contracted afresh.

(5) Nothing in this section shall affect the right of any workman to benefit in respect of a disease which is a personal injury by accident within the meaning and intent of this Law, except that a workman shall not be entitled to benefit in respect of a disease as being an injury by accident arising out of and in the course of his employment if at the time of the accident the disease is in relation

to him a prescribed disease by virtue of the occupation in which he is engaged in his employment.

Application  
to prescribed  
diseases of  
provisions as  
to benefit  
and claims.

41—The benefit payable under section 40 of this Law in respect of a prescribed disease, the conditions for receipt of such benefit and the provisions for making, hearing, and determination of applications for compensation therefor, shall be the same as in respect of personal injury by accident arising out of and in the course of the workman's employment."

Repeal and  
replacement  
of Schedule  
to principal  
Law.

16—The Schedule to the principal Law is hereby repealed and the following Schedule substituted therefor—

" SCHEDULE

(Section 2)

*List of injuries deemed to result in a permanent partial incapacity*

Injury	Percentage of Loss of earning capacity
Loss of either arm at or above elbow ... ..	70
Loss of either arm between the wrist and the elbow	65
Loss of either hand at wrist or of four fingers and thumb of either hand ... ..	60
Loss of both phalanges of the thumb of either hand	35
Loss of one phalanx of the thumb of either hand	25
Loss of four fingers of either hand ... ..	35
Loss of three fingers of either hand ... ..	30
Loss of two fingers of either hand ... ..	25
Loss of whole of the index finger of either hand ...	10
Loss of two phalanges of the index finger ... ..	8
Loss of one phalanx of the index finger ... ..	4
Loss of whole of the middle finger of either hand ...	8
Loss of two phalanges of the middle finger of either hand ... ..	6
Loss of one phalanx of the middle finger ... ..	4
Loss of whole of the ring or little finger of either hand	5
Loss of two phalanges of the ring or little finger of either hand ... ..	4
Loss of one phalanx of the ring or little finger of either hand ... ..	2
Loss of either leg at or above the knee ... ..	70
Loss of either leg below the knee ... ..	50
Loss of either foot ... ..	50
Loss of all toes of either foot ... ..	20
Loss of both phalanges of the great toe of either foot	10
Loss of one phalanx of the great toe of either foot	2
Loss of any toe other than the great toe ... ..	2
Loss of one eye without complications, the other being normal ... ..	90
Loss of sight to such an extent as to render the workman unable to perform any work for which eyesight is essential ... ..	100
Loss of hearing in both ears ... ..	50

Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be the equivalent of the loss of that limb or member. The percentage of incapacity for ankylosis of any joint shall be reckoned as from 25% to 100% of the incapacity for loss of the part of that joint, according to the degree of unfavourableness of the ankylosis of such joint.

When there is loss of two or more parts of the hand, the percentage of incapacity shall not be more than for the whole hand."





No. 25—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

12th May, 1960

A LAW to Amend the Beach Control Law, 1955

[12th May, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Beach Control (Amendment) Law, 1960, and shall be read and construed as one with the Beach Control Law, 1955 (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and construction.  
Law 63 of  
1955.

2—The long title to the principal Law is hereby amended by inserting therein, immediately after the words "floor of the sea" wherever those words appear, the words "and the over-lying water".

Amendment  
of long title  
to principal  
Law.

Amendment  
of section 3  
of principal  
Law.

3—Section 3 of the principal Law is hereby amended by deleting from subsection (3) the word “Nothing” and inserting instead the words “Except as provided in section 6A of this Law, nothing”.

Insertion of  
new heading  
and section  
6A in prin-  
cipal Law.

4—The principal Law is hereby amended by inserting therein immediately after section 6 the following heading and section numbered 6A—

“

### *Protected Areas*

Protected  
areas and  
prohibited  
activities.

6A—(1) Notwithstanding anything to the contrary in this Law, the Minister may, upon the recommendation of the Authority, make an order declaring—

- (a) any part of the foreshore and the floor of the sea defined in the order together with the water lying on such part of the floor of the sea to be a protected area for the purposes of this Law; and
- (b) such activities as may be specified in the order to be prohibited activities in the area defined in the order, being any or all of the following activities—
  - (i) fishing by any means specified in the order;
  - (ii) the use of boats other than boats propelled by wind or oars where such boats are used for purposes other than for the doing of anything which may be lawfully done under the Harbours Law, the Marine Board Law, the Wrecks and Salvage Law, or the Pilotage Law, 1957;

Cap. 145.  
Cap. 236.  
Cap. 419.  
Law 28 of  
1957.



- (iii) the disposal of rubbish or any other waste matter;
- (iv) water-skiing;
- (v) the dredging or disturbance in any way of the floor of the sea;
- (vi) the destruction or removal of coral, sea-fans and sedentary marine animals;
- (vii) the searching for or removal of any treasure or artefact from the floor of the sea.

(2) Any order made under this section may contain provisions for the constitution of a Board or the appointment of persons to undertake the improvement or maintenance of the area defined in such order.

(3) The provisions of subsection (5) of section 8 of this Law (which relate to the laying of regulations before the House of Representatives and the Legislative Council) shall apply to orders made under this section as they apply to regulations made under the said section 8.

(4) The Minister may, if he thinks fit, grant to any person applying therefor, in such form and subject to such conditions as the Minister may think fit, a licence to carry on in any area defined in an order made under this section any prohibited activity specified in such order.

(5) Every person, not being a person appointed to undertake the improvement or maintenance of any area defined in an order made under this section, who without a

licence from the Minister carries on within such area any activity specified in such order shall be guilty of an offence against this Law and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty-five pounds and to a further fine not exceeding ten pounds for every day during which such offence continues after such conviction.'''.

Repeal and replacement of section 11 of principal Law.

5—Section 11 of the principal Law is hereby repealed and the following section substituted therefor—

“Duty to determine certain needs of public and power to acquire land therefor.

11—(1) The Authority shall from time to time determine the needs and requirements of the public in relation to the use of—

(a) any portion of land, whether such portion of land adjoins the foreshore or not; and

(b) the foreshore,

for or in connection with bathing or any other form of lawful recreation or for the purpose of fishing as a trade or otherwise or for any other purpose in the interest of the economic development of the beaches of the Island.

(2) Where the Authority acting in accordance with their duty under subsection (1) of this section consider it necessary or desirable to acquire any portion of land, or rights of user over the same, whether such portion of land adjoins the foreshore or not, the Authority may, with the approval of the Minister and by agreement with the owner or any other person having power to sell or grant leases of such portion of land, acquire

for any purpose specified in the said subsection such portion of land by lease or purchase, or rights of user over such portion of land.

(3) Any lease taken by the Authority pursuant to this section shall be for such period, reserve such rent and include such covenants and conditions as may be determined by agreement between the Authority and the lessor and approved by the Minister, and in particular such lease may—

- (a) be for a term of years and include conditions for renewal from time to time; or
- (b) be for an indefinite period, reserve an annual rent and include conditions for the review and alteration of the annual rent at such times or in such circumstances as may be specified in the lease.

(4) Where any right in or over land is acquired by the Authority on a year to year basis for an indefinite period—

- (a) the Authority may, with the leave of the Minister, terminate such right on one year's notice in writing to the owner of the land subject to the right;
- (b) the owner of the land subject to the right or his nominee may, where such land adjoins the foreshore, at any time apply to the Authority for a licence under this Law to use that part of the foreshore and floor of the sea which such land adjoins,



and the Authority shall consider the application and may, in accordance with the provisions of this Law, grant or refuse the licence; and upon the grant of any such licence the rights of the Authority or of any person exercising any rights under the Authority, in or over such land, shall cease and determine save to the extent that such rights may be expressly reserved in and by the terms of the licence.”.

Repeal of  
section 12 of  
principal  
Law.

6—Section 12 of the principal Law is hereby repealed.

Amendment  
of section 18  
of principal  
Law.

7—Subsection (1) of section 18 of the principal Law shall have effect and be deemed always to have had effect as if immediately after paragraph (i) thereof there were inserted the following paragraph—

“(j) for prohibiting or regulating the use in or upon the water lying on any part of the floor of the sea in respect of which a licence has been granted by the Authority—

- (i) of spears or other instruments likely to cause danger to members of the public for the taking or pursuit of fish; and
- (ii) of boats or vessels of any class specified in such regulations so, however, that nothing in such regulations shall affect anything which may be lawfully done under the Harbours Law, the Marine Board Law, the Wrecks and Salvage Law, or the Pilotage Law, 1957.”.

Cap. 145.  
Cap. 236,  
Cap. 419.  
Law 28 of  
1957.

Amendment  
of section 24  
of principal  
Law.

8—Section 24 of the principal Law is hereby amended in the following respects—

- (a) by deleting from subsection (1) the word and number "or 12";
- (b) by deleting from subsection (1) the words "submitted through the Minister seek the approval of the Governor in Council" and substituting therefor the words "seek the approval of the Minister";
- (c) by inserting therein, immediately after subsection (1), the following subsection as subsection (1A)—

"(1A) Where the Authority have taken a lease of a kind described in paragraph (b) of subsection (3) of section 11 of this Law and fail, at the time of any review of the annual rent, to arrive at any agreement with the lessor or his successors in title as to the annual rent to be reserved upon such review, the Authority may in like manner seek the approval of the Minister for the assessment of such rent by a Commission."

9—Section 25 of the principal Law is hereby repealed.

Repeal of section 25 of principal Law.

10—Section 28 of the principal Law is hereby amended in the following respects—

Amendment of section 28 of principal Law.

- (a) by deleting the marginal note and substituting therefor the following—

"Appointment, powers and duty of Commission.";

- (b) by deleting subsection (1) and substituting therefor the following subsection—

"(1) Where the Minister is satisfied, after considering the application from the Authority, that the land which the Authority propose to acquire compulsorily should be acquired in the public interest, or, as the case may require, that

any annual rent should be assessed by a Commission, the Minister shall appoint a Commission of one or more persons—

- (a) in the case of a proposal to acquire any land compulsorily, to make recommendations to him, after due enquiry, in relation to the boundaries, definition and description of the land, the compensation to be paid therefor, the persons to whom the compensation should be paid, and in relation to the apportionment of the compensation amongst such persons;
- (b) in the case of a request for the assessment of any annual rent, to assess such annual rent after due enquiry.”;
- (c) by inserting in subsection (4) immediately after the word “compensation” wherever that word appears in the subsection the words “or rent”.

Amendment  
of section 29  
of principal  
Law.

11—Section 29 of the principal Law is hereby amended by deleting subsection (3) and substituting therefor the following subsection—

“(3) The Commission shall, in assessing any rent in accordance with their duty under section 28 of this Law, have regard to the provisions of this section so far as such provisions are applicable to the case.”.

Amendment  
of section 32  
of principal  
Law.

12—Section 32 of the principal Law is hereby amended by inserting in subsection (1) immediately after the word “compensation” where that word appears for the first time the words “or rent”.

Amendment  
of section 33  
of principal  
Law.

13—Section 33 of the principal Law is hereby amended by deleting the full stop at the end of subsection (1) and inserting instead a semicolon and the following paragraph—



- “(e) if the objection be to the amount of the annual rent assessed, the amount of such annual rent and the grounds on which such amount was determined.”.

14—Section 45 of the principal Law is hereby amended by inserting in subsection (1) immediately after the word “compensation” the words “or annual rent”.

Amendment  
of section 45  
of principal  
Law.

15—The rights, powers and duties conferred by the principal Law on the Governor in Council are hereby conferred upon the Minister and accordingly—

Transfer  
of powers  
to the  
Minister.

- (a) the words “Governor in Council” shall be deleted wherever those words appear in the principal Law and the word “Minister” substituted therefor; and
- (b) the words “submitted through the Minister” appearing in section 54 of the principal Law shall be deleted.



No. 26—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

19th May, 1960

A LAW to Empower the Development Finance Corporation to issue insurance policies in respect of loans secured by mortgages of dwelling houses and for matters connected therewith or incidental thereto.

[The date of any Proclamation issued by the  
Governor bringing the Law into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Mortgage Insurance Law, 1960, and shall come into operation on a day to be appointed by the Governor by Proclamation.

Short title  
and com-  
mencement.

2—In this Law—

“administer”, in relation to an insured loan, means to have the right to collect interest and other payments in respect of the loan and the power to enforce any security for the loan;

Interpre-  
tation.



“appraised value” means the value for lending purposes of a house as determined by the Corporation;

“approved lender” means a lender for the time being approved by the Minister for the purpose of making loans which may be insured under this Law;

“approved loan” means a loan in respect of which the Corporation has given an undertaking pursuant to paragraph (b) of subsection (1) of section 3 of this Law;

“borrower’s charges” means prescribed charges advanced by an approved lender to safeguard the interests of the mortgagee or the Corporation or both;

“Corporation” means the Development Finance Corporation established by the Development Finance Corporation Law, 1959;

Law 42 of  
1959.

“Government guaranteed loan” means a loan in respect of which, pursuant to paragraph (b) of subsection (2) of section 46c of the Housing Law, 1955, the Government has guaranteed the repayment of any portion of the sum of money lent to any person for the purpose of purchasing a house constructed by a housing association as defined for the purposes of Part VIIA of that Law;

Law 67 of  
1955.

“house” means a building, together with the curtilage thereof, intended for human habitation;

“insured loan” means a loan in respect of which an insurance policy issued under this Law is in force;

“lender” means—

(a) any of the following—

(i) a loan company, insurance company, trust or other company or corporation

- (ii) a trustee of trust funds;
- (iii) a building society, co-operative credit society, co-operative housing society, or other society,  
authorised to lend money on the security of real or immovable property; or
- (b) a bank.

3—(1) Without prejudice to the generality of the powers conferred upon the Corporation by the Development Finance Corporation Law, 1959, the Corporation may in accordance with the provisions of this Law—

Insurance  
of loans.

Law 42 of  
1959.

- (a) effect contracts of insurance and issue insurance policies in respect of loans insurable under the provisions of this Law;
- (b) prior to the issue of an insurance policy in respect of a loan give an approved lender an undertaking that the Corporation will issue the insurance policy if the loan is made in accordance with this Law;
- (c) charge fees (in this Law called “insurance fees”) in respect of such contracts of insurance as aforesaid;
- (d) administer any fund established by or pursuant to this Law.

(2) Where an approved loan is made by an approved lender and the insurance fee in respect thereof has been paid, the Corporation shall, at the request of the approved lender, issue to the lender an insurance policy in respect of the loan.

(3) Where the Corporation has given an approved lender an undertaking that it will issue an insurance policy if the loan is made in accordance with this Law and the borrower subsequently requests that the loan be of an amount less than that stated in the undertaking and the insurance fee in respect of such lesser amount is paid,

the Corporation shall, at the request of the approved lender, issue to the approved lender an insurance policy in respect of such lesser amount if the loan has, in all other respects, been made in accordance with this Law and with the undertaking to issue an insurance policy aforesaid.

**Insurable  
loans.**

4—(1) A loan is insurable under this Law if—

- (a) it was made by an approved lender to a person (in this Law called the “borrower”) in order that the borrower may purchase or erect a house conforming to standards of construction approved by or acceptable to the Corporation; and
- (b) it was for the aggregate of—
  - (i) 90 per centum of the first £3,000 of the appraised value or any part thereof;
  - (ii) 80 per centum of the next £2,000 of the appraised value or any part thereof;
  - (iii) 70 per centum of the next £1,000 of the appraised value or any part thereof; and
  - (iv) the amount of the insurance fee payable in respect of the loan; and
- (c) it bears interest at a rate not exceeding the prescribed rate; and
- (d) it is secured by a first mortgage on the house in a form acceptable to or specified by the Corporation in favour of the approved lender, and by such further security, assignments, assurances and agreements as may be required by the Corporation; and
- (e) it is for a term not less than twenty years and not more than twenty-five years; and
- (f) it was made on such terms as to the payment of principal, interest and taxes by monthly instal-



ments or otherwise as may be acceptable to or specified by the Corporation; and

- (g) it was made upon such terms and conditions in addition to those specified in the preceding paragraphs as may be—

- (i) prescribed by regulations; or
- (ii) agreed upon between the approved lender and the Corporation.

(2) With the approval of the Corporation, borrower's charges accruing during the term of an insured loan may be added to the principal thereof.

(3) Notwithstanding anything in this section a loan referred to in subsection (1) of this section may be for an amount less than the amount specified therein or for a period shorter than the period specified therein if a loan for such lesser amount or for such shorter period as the case may be is requested in writing by the borrower or is made in such other circumstances as may be prescribed.

5—(1) An insurance fee of  $2\frac{1}{2}$  per centum of the amount of any loan to be insured under this Law shall be paid by the lender to the Corporation but may be charged to the borrower and collected by the lender from the borrower at such times and in such manner as may be agreed between the borrower and the lender.

Collection  
of insurance  
fee on  
loans.

(2) For the purposes of this section, the insurance fee shall be calculated on the amount advanced to the borrower without taking into account the insurance fee component of the loan.

6—(1) An insurance policy issued under this Law in respect of a loan ceases to be in force if the loan is transferred to a person other than—

Termination  
of policy.

- (a) an approved lender;
- (b) the Corporation; or
- (c) such other person as the Corporation, subject to such conditions as it thinks fit, may approve.

(2) The Corporation may by not less than fifteen days' notice to an approved lender terminate an insurance policy issued under this Law if the approved lender fails to comply with the provisions of this Law or with any directions of the Corporation pursuant to section 7 of this Law or with any regulations made hereunder and thereupon the Corporation shall be discharged from all its obligations in respect of the insurance policy.

(3) The Corporation may administer an insured loan pursuant to an agreement made with the holder thereof.

(4) Nothing in subsection (1) of this section shall be construed as terminating an insurance policy by reason only that the Minister revokes his approval of any lender as an approved lender; and, in relation to any insured loan being administered by that lender at the time of such revocation, the provisions of this Law and of the Regulations made thereunder shall continue to apply as if such lender as aforesaid continued to be an approved lender.

Insurance  
settlement.

7—(1) Where—

- (a) a borrower defaults in the payment of principal or interest or in the performance or observance of any covenant expressed in any mortgage securing an insured loan; and
- (b) because of such default an approved lender has the power to sell the mortgaged property,

the approved lender shall give notice to the Corporation of such default and if the default continues for the period specified in the insurance policy shall, subject to the provisions of subsection (7) of this section, exercise the power of sale aforesaid in accordance with this section.

(2) The exercise of the power of sale aforesaid shall be subject to the condition that the sale shall be by public auction with a reserve price not less than the settlement value of the property:



Provided that the approved lender may at any time sell by private treaty prior to giving notice to the Corporation under subsection (4) of this section but no such sale shall be made at a price less than the reserve price except with the consent of the Corporation which, if it consents to the sale, shall pay to the approved lender out of the Mortgage Insurance Fund the difference between the price obtained on such sale as aforesaid and the settlement value of the property.

(3) If the reserve price is obtained by the approved lender pursuant to subsection (2) of this section or if the approved lender sells at a price less than the reserve price without the consent of the Corporation, the Corporation shall thereby be discharged from all its obligations in respect of the insured loan.

(4) If in any case the approved lender does not obtain the reserve price pursuant to subsection (2) of this section the approved lender shall forthwith notify the Corporation and the Corporation shall thereupon, at its option subject to subsection (5) of this section, either—

- (a) authorise the approved lender to sell the property at the best price reasonably obtainable (whether by public auction or otherwise) and, if upon sale such price is less than the settlement value of the property, the Corporation shall pay to the approved lender the difference between such price as aforesaid and the settlement value of the property; or
- (b) require the approved lender to transfer to the Corporation or its nominee all rights to and in respect of the insured loan and all collateral or other securities therefor on payment of the settlement value of the property by the Corporation to the approved lender; or
- (c) require the approved lender to sell the mortgaged property to the Corporation or its nominee at a



price equivalent to the settlement value of the property; or

(d) direct the approved lender—

- (i) to acquire title to the mortgaged property (whether by proceedings for foreclosure or otherwise) clear of all encumbrances except as prescribed by regulations; and
- (ii) to convey such title as aforesaid within the prescribed time to the Corporation or to a nominee of the Corporation (with or without vacant possession of the property as the Corporation may require) on payment of the settlement value of the property by the Corporation to the approved lender.

(5) The Corporation may in any insurance policy undertake to restrict the option referred to in subsection (4) of this section to paragraphs (a), (b) and (c) only of subsection (4) aforesaid.

(6) Any amount payable by the Corporation pursuant to subsection (4) of this section shall be paid out of the Mortgage Insurance Fund.

(7) The Corporation may agree with the approved lender to postpone the exercise of the power of sale on such terms and conditions as may be agreed upon.

(8) For the purpose of this section—

“relevant date” means—

- (a) in relation to a sale pursuant to subsection (2) of this section, the date of such sale; and
- (b) in relation to a sale, transfer or conveyance pursuant to subsection (4) of this section, the date of such sale, transfer or conveyance as the case may be;

“the settlement value of the property” means the aggregate of the following—

- (a) the principal owing on the mortgage at the relevant date;

- (b) borrower's charges paid before the relevant date;
- (c) interest at the mortgage interest rate on each amount specified in paragraphs (a) and (b) of this definition—
  - (i) for the period for which interest thereon was due or accrued and unpaid at the relevant date; or
  - (ii) for a period of twelve months or such longer period as may from time to time be prescribed,

whichever is the shorter period; and

- (d) all costs and expenses reasonably and properly incurred and either agreed between the approved lender and the Corporation or, in default of agreement, as may be taxed by the Registrar of the Supreme Court,

and in calculating the amount payable, amounts received for the credit of the mortgage account shall be appropriated at the date of the receipt thereof first to interest then owing on the mortgage account, secondly to borrower's charges and thirdly, to the principal owing on the mortgage account.

(9) Except where notice is given to the Corporation pursuant to subsection (1) of this section nothing in this section shall prevent an approved lender from exercising, without reference to the Corporation, a power of sale which has arisen in relation to an insured loan but no claim in respect of the insurance may be made under this Law unless such notice is given.

8—Notwithstanding anything in section 7 of this Law, where in any particular case the Corporation is of opinion that the procedure under that section would unduly increase the loss in respect of any insured loan the Corporation may agree with the holder of the loan to pay

Alternative  
insurance  
settlement.



to him out of the Mortgage Insurance Fund, upon such terms and conditions as may be agreed upon, such amount as may be agreed upon in lieu of a settlement under section 7 aforesaid.

Mortgage  
Insurance  
Fund.

9—(1) The Corporation shall establish a fund to be known as the "Mortgage Insurance Fund" into which shall be paid four-fifths of all insurance fees received by the Corporation under this Law other than fees received pursuant to section 11 of this Law.

(2) The Corporation may invest any part of the Mortgage Insurance Fund in securities of or guaranteed by the Government of Jamaica or such other classes of securities as may from time to time be approved by the Minister.

(3) Property acquired by the Corporation under this Law and investments made out of the Mortgage Insurance Fund under subsection (2) of this section shall be assets of that Fund.

(4) Save as otherwise provided in section 14 of this Law, insurance fees paid into the Mortgage Insurance Fund and the return on investments and assets of the Mortgage Insurance Fund shall be deemed not to be income of the Corporation.

(5) All payments required to be made by the Corporation under section 7 or section 8 of this Law or in the upkeep of any property or mortgage acquired pursuant to section 7 or section 8 aforesaid or in respect of any debentures issued under section 10 of this Law shall be paid out of the Mortgage Insurance Fund.

Payment in  
debentures.

10—(1) Where the Corporation is required to make any payment out of the Mortgage Insurance Fund pursuant to section 7 or section 8 of this Law in settlement of an insured loan, the Corporation in its discretion may, in lieu of the portion of such payment representing the principal of the insured loan, issue to the person holding or administering



the insured loan debentures (payable out of and charged on the Mortgage Insurance Fund) up to a nominal value equivalent to the principal of the insured loan outstanding at the date on which such payment as aforesaid is required to be made.

(2) No debentures shall be issued pursuant to subsection (1) of this section unless such debentures—

- (a) bear interest at the rate of interest at which the insured loan was made; and
- (b) are redeemable by the Corporation not later than the date of expiration of the term of the insured loan; and
- (c) are guaranteed by the Minister.

(3) Where the Minister is satisfied that there has been default in the repayment of principal moneys or interest guaranteed under the provisions of this section, he shall direct the repayment out of the Consolidated Fund of the amount in respect of which there has been such default.

(4) Any sums required by the Minister for the purpose of subsection (3) of this section shall be charged on and issued out of the Consolidated Fund.

11—(1) The Accountant General shall transfer and pay to the Corporation all assets and moneys held by him for the purposes of any mortgage insurance reserve fund established in accordance with guarantee arrangements made pursuant to paragraph (b) of subsection (2) of section 46c of the Housing Law, 1955, and accordingly, all fees or premiums payable to the Government in respect of any such guarantee arrangements shall, after the commencement of this Law, be paid to the Corporation.

Government  
guaranteed  
loans.

Law 67 of  
1955.

(2) The Corporation shall, with the assets, moneys, fees or premiums received by it in accordance with subsection (1) of this section, establish and administer a Fund

to be known as the "Mortgage (Government Guaranteed Loans) Insurance Reserve Fund" for the purposes of the housing schemes in respect of which such amounts and fees were paid.

(3) The Corporation may invest any part of the Mortgage (Government Guaranteed Loans) Insurance Reserve Fund in securities of or guaranteed by the Government of Jamaica or in such other classes of securities as may from time to time be approved by the Minister.

(4) Save as otherwise provided in section 14 of this Law, the fees or premiums paid into the Mortgage (Government Guaranteed Loans) Insurance Reserve Fund and the return on investments and assets of the Fund shall be deemed not to be income of the Corporation.

Insurance  
in lieu of  
Government  
guarantee.

Law 67 of  
1955.

12—From and after the date of commencement of this Law any loan in respect of any portion of which pursuant to an arrangement under paragraph (b) of subsection (2) of section 46c of the Housing Law, 1955, Government had undertaken to issue a guarantee, may, with the consent of the person to whom such undertaking was given, in lieu of such guarantee, be insured by the Corporation.

Limit on  
total  
amount of  
insurance  
to be under-  
taken by  
Corporation.

13—(1) The aggregate amount of all loans in respect of which insurance policies have been issued under this Law shall not exceed the sum of ten million pounds or such larger sum as the House of Representatives may by Resolution approve.

Law 42 of  
1959.

Adminis-  
trative  
expenses of  
the Corpora-  
tion.

(2) The liability of the Corporation to make payments out of the Mortgage Insurance Fund pursuant to this Law shall not be taken into account in determining the borrowing powers of the Corporation under section 8 of the Development Finance Corporation Law, 1959.

14—(1) One-half of the return on investments and assets of the Mortgage (Government Guaranteed Loans) Insurance Reserve Fund and one-fifth of all insurance fees



received by the Corporation under this Law (other than fees received pursuant to section 11) shall be income of the Corporation and may be applied towards defraying the expenses of the Corporation in the administration of this Law.

(2) If the amount received by the Corporation pursuant to subsection (1) of this section is not sufficient to defray the expenses of the Corporation in the administration of this Law in any year the income of the Corporation for that year may be supplemented—

- (a) by withdrawals from the Mortgage Insurance Fund not exceeding fifty per centum of the return on investments and assets of the Fund for that year; and
- (b) if the amount so withdrawn is insufficient for the purpose, by advances from the Consolidated Fund made by the Minister pursuant to section 15 of this Law.

15—At the request of the Corporation the Minister may, out of moneys provided by the Legislature, from time to time advance to the Corporation for the purposes of this Law on such terms and conditions as to repayment or otherwise as the Minister may determine, such amounts as will enable the Corporation to discharge its functions under this Law.

Government  
advances  
to the  
Corporation.

16—Transactions relating to the functions of the Corporation under this Law shall be distinguished so far as possible from transactions relating to other activities of the Corporation and shall be recorded and dealt with separately in the annual accounts and reports of the Corporation.

Accounts  
and annual  
report.

17—Notwithstanding any restrictions on the power of an approved lender to lend or invest money, an approved lender may—

Increased  
powers of  
approved  
lenders.



- (a) in accordance with this Law make approved loans on the security of a first mortgage in favour of the lender;
- (b) sell or purchase insured loans together with the security taken in respect thereof;
- (c) administer an insured loan for or on behalf of the holder thereof.

**Regulations.** 18—(1) The Minister may make regulations generally for giving effect to the provisions of this Law.

(2) In particular and without prejudice to the generality of the provisions of subsection (1) of this section the Minister may make regulations—

- (a) in respect of any matter required by this Law to be prescribed;
- (b) fixing from time to time the maximum rate of interest (not exceeding  $7\frac{1}{2}$  per centum per annum) payable by a borrower in respect of loans which after the date of commencement of any such regulation may be insured under this Law;
- (c) subject to the provisions of this Law, determining the maximum charges that may be made in respect of the making and administration of an insured loan;
- (d) prescribing the form and terms of the insurance policy that may be issued in respect of an insured loan and of the mortgage to be taken in respect thereof.

(3) All regulations and rules made by the Minister under this section shall be laid before the House of Representatives as soon as may be after the making thereof and if the House of Representatives within twenty-eight days from the date on which any such regulations or rules are laid before it resolves that the regulations or rules be

annulled, the regulations or rules shall thereupon cease to have effect but without prejudice to anything previously done thereunder or to the making of new regulations or rules.

In reckoning any such period of twenty-eight days as aforesaid, no account shall be taken of any time during which the House is adjourned for more than four days.





## No. 27—1960

I assent,

[L.S.]

K. W. BLACKBURNE,  
*Governor*

19th May, 1960

A LAW to Amend the Public Order Law, 1957.

[23rd May, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Public Order (Amendment) Law, 1960, and shall be construed as one with the Public Order Law, 1957 (in this Law referred to as "the principal Law").

Short title  
and con-  
struction.  
Law 44 of  
1957.

2—For the definition of the expression "public march" set forth in section 2 of the principal Law there shall be substituted the definition set out in the Schedule to this Law.

Interpre-  
tation of  
"public  
march".

## SCHEDULE

(Section 2)

*Definition of "public march" to be substituted in section 2 of principal Law.*

"public march" means any march or procession in a public place comprising (whether wholly or partly) pedestrians, vehicles (however propelled or drawn), or bicycles (however propelled), except a march or procession—

- (a) by any of Her Majesty's Forces; or
- (b) by the Jamaica Constabulary Forces; or
- (c) which takes place as a component part of any religious ceremony, including a wedding or funeral, not being in any way connected with any political demonstration or celebration; or
- (d) which is confined to the pupils and teachers of any school; or
- (e) by any other body approved by the Minister;

No. 28—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

1st June, 1960

A LAW to Validate and Confirm the Jury List settled for  
the parish of Saint James for the year 1959-60.

[3rd June, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legislative  
Council and House of Representatives of Jamaica, and by  
the authority of the same, as follows:—

1—This Law may be cited as the Jury List (Parish of Saint James) Validation Law, 1960. Short title.

2—Notwithstanding any failure to comply with the requirements of the Jury Law, or any other law, as to the preparation and settlement of the list of special and common jurors for the parish of Saint James for the year 1959-60, the jury list settled for such parish on the 10th day of September, 1959, by the Justices sitting in Special Validation.  
Cap. 186.



Petty Session at the Court House at Montego Bay is, notwithstanding any irregularities therein, hereby validated and confirmed, and such list shall for all purposes be deemed to be the true and proper jury list for the parish of Saint James for the year 1959-60, and the special jurors for the parish shall be the respective persons against whose names in such list there appear the letters "S.J.", notwithstanding that the aggregate number of such names may be greater or less than the number of special jurors required by law to be selected for such parish, and every person against whose name such letters appear shall for all purposes be deemed to be lawfully qualified and liable to serve as a special juror, and every other person on such list shall similarly be deemed to be for all purposes lawfully qualified and liable to serve as a common juror.

No. 29—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

1st June, 1960

A LAW to Amend the Minerals (Vesting) Law

[The date of any Proclamation issued by the]  
Governor bringing the Law into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Minerals (Vesting) (Amendment) Law, 1960, and shall be read and construed as one with the Minerals (Vesting) Law, hereinafter referred to as the principal Law, and shall come into operation on a day to be appointed by the Governor by Proclamation.

Short title,  
construction  
and com-  
mencement.  
Cap. 251.

2—Section 2 of the principal Law is hereby amended by inserting therein next after the definition of "minerals" the following definition—

Amendment  
of section 2  
of principal  
Law.

“ “owner” means owner of an estate in fee simple in the land in relation to which the expression is used;”.

Amendment  
of section 5  
of principal  
Law.

3—Section 5 of the principal Law is hereby amended in the following respects—

- (a) by deleting subsection (d) and substituting therefor the following subsection—

“(d) If any doubt arises as to the person entitled as owner of any land or water to receive the said amount of the royalties the matter shall be determined by the Commissioner of Mines upon holding an enquiry in such manner as may be prescribed, but the Commissioner of Mines may, in his discretion, refer the matter to a Judge in Chambers for determination and on any question of law arising shall do so.”;

- (b) by renumbering subsections (e) and (f) as subsections (j) and (k) respectively;
- (c) by inserting therein next after subsection (d) the following subsections as subsections (e), (f), (g), (h) and (i) respectively—

“(e) The Commissioner of Mines shall, for the purpose of an enquiry under subsection (d) of this section, have the powers of a Resident Magistrate to summon witnesses, to call for the production of books and documents and to examine witnesses and parties concerned on oath.

(f) Any person summoned to attend or to produce books or documents under this section, and refusing or neglecting to do so, or refusing to answer any question put to him by or with the concurrence of the Commissioner of Mines, shall be guilty of an offence against this Law and liable on summary conviction before a Resident Magistrate to a fine not exceeding twenty pounds:



Provided that no person shall be bound to incriminate himself, and every witness shall, in respect of any evidence given by him at such enquiry, be entitled to the same privileges to which he would be entitled if giving evidence before a court of justice.

(g) Any witness attending at the request of or upon summons by the Commissioner of Mines holding such enquiry shall, subject to any order made by such officer, be entitled to like expenses as if summoned to attend the Resident Magistrate's Court.

(h) The decision of the Commissioner of Mines as to the person entitled as owner of any land or water to receive royalties shall be final unless the Commissioner of Mines refers the matter to a Judge in Chambers.

(i) The Chief Justice with the concurrence of the Puisne Judges or a majority of them may make rules governing the procedure in relation to matters referred to a Judge in Chambers under this section."

4—The Schedule to the principal Law is hereby amended in the following respects—

Amendment  
of Schedule  
to principal  
Law.

(a) by inserting next after item 4 of Part I the following items as items 4A, 4B and 4C respectively—

"4A. Subsection (i) of section 5 shall be deleted and there shall be substituted therefor the following subsection—

"(i) The Judge may make rules governing the procedure in relation to matters referred to the Judge in Chambers under this section."

4B. The following subsection shall be added to section 5 as subsection (1)—

“(1) In this section—

“Judge” means Judge of the Supreme Court of the Turks and Caicos Islands;

“proper officer” means the officer appointed by the Administrator to hold enquiries under this section.”.

4c. For the words “Commissioner of Mines”, “a Judge in Chambers”, “a Resident Magistrate” and “the Resident Magistrate’s Court” wherever they occur in section 5 there shall be substituted the words “proper officer”, “the Judge in Chambers”, “the Magistrate” and “the Magistrate’s Court” respectively.”;

(b) by inserting next after item 3 of Part II the following items as items 3A, 3B and 3c respectively—

“3A. Subsection (i) of section 5 shall be deleted and there shall be substituted therefor the following subsection—

“(i) The Judge may make rules governing the procedure in relation to matters referred to the Judge in Chambers under this section.”.

3B. The following subsection shall be added to section 5 as subsection (1)—

“(1) In this section—

“Judge” means the officer appointed as such under the Cayman Islands Government Law of Jamaica;

“proper officer” means the officer appointed by the Administrator to hold enquiries under this section;

“Stipendiary Magistrate” means the officer appointed as such under any Law for the time being in force in the Cayman Islands.”.

- 3c. For the words “Commissioner of Mines”, “a Judge in Chambers”, “a Resident Magistrate” and “the Resident Magistrate’s Court” wherever they occur in section 5 there shall be substituted the words “proper officer”, “the Judge in Chambers”, “the Stipendiary Magistrate” and “the Petty Sessions Court” respectively.”.

5—Subject to the provisions of section 56 of the Cayman Islands (Constitution) Order in Council, 1959, and of section 56 of the Turks and Caicos Islands (Constitution) Order in Council, 1959, this Law shall apply to the Cayman Islands and the Turks and Caicos Islands.

Application  
to Cayman  
Islands and  
Turks and  
Caicos  
Islands.





No. 30—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

13th June, 1960

A LAW to provide for the establishment of a body to be known as the Scientific Research Council, for the functions thereof, and for purposes incidental to or connected with the foregoing purposes.

[16th June, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

*Preliminary*

1—This Law may be cited as the Scientific Research Council Law, 1960. Short title.

2—In this Law unless the context otherwise requires— Interpre-

tation.

“chairman” means the chairman of the Council and includes any person appointed to act as chairman of the Council;

“Council” means the Scientific Research Council established in accordance with the provisions of this Law;

“invention” includes any new process or new technique, whether or not a patent could be granted in relation thereto;

“member” means a member of the Council and includes the chairman.

### *Establishment and Functions of the Council*

Establish-  
ment and  
constitution  
of the  
Council.

3—(1) There shall be established for the purposes of this Law a body to be called the Scientific Research Council.

(2) The Council shall consist of such number of persons, not being less than ten or more than fifteen, as the Minister may from time to time determine.

(3) The members of the Council shall be appointed by the Minister by instrument in writing from amongst persons appearing to him to be qualified as having had experience, and shown capacity, in matters relating to science, technology, industry, finance or administration.

(4) At least one member of the Council shall be a person engaged in the work of a scientific research organisation not maintained by the Government of this Island, and at least four members shall be persons not engaged in the work, management or direction of any organisation concerned with scientific research or development.

(5) A member of the Council shall, subject to the provisions of subsections (9), (10) and (11) of this section, hold office for three years and shall be eligible for re-appointment.

(6) The Minister shall appoint one of the members of the Council to be the chairman thereof and, where the chairman is granted leave of absence under subsection (8)



of this section or is unable to act, an acting chairman of the Council.

(7) Where any member of the Council other than the chairman is granted leave of absence under subsection (8) of this section or is unable to act, the Minister may appoint any person appearing to him to have the qualifications necessary for appointment as a member of the Council to act temporarily in the place of such member.

(8) The Minister may, on the application of the chairman or any other member of the Council, grant to the chairman or such other member leave of absence for any period.

(9) Any member of the Council other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the chairman of such instrument such member shall cease to be a member of the Council.

(10) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of receipt of such instrument.

(11) The Minister may at any time revoke the appointment of any member of the Council if he thinks it expedient so to do.

(12) The names of all members of the Council as first constituted and every change in the membership thereof shall be published in the *Gazette*.

4—(1) The Council shall be a body corporate having perpetual succession and a common seal, with power to acquire, hold and dispose of land and other property of whatever kind.

Incorporation.

(2) The seal of the Council shall be kept in the custody of the chairman or of the executive secretary and may

be affixed to instruments pursuant to a resolution of the Council and in the presence of the chairman, or one other member and the executive secretary.

(3) The seal of the Council shall be authenticated by the signature of the chairman or any other member of the Council authorised to act in that behalf and the executive secretary and shall be officially and judicially noticed.

(4) All documents, other than those required by law to be under seal, made by, and all decisions of, the Council may be signified under the hand of the chairman or any other member authorised to act in that behalf or the executive secretary of the Council.

(5) The Council may sue and be sued in its corporate name and may for all purposes be described by such name, and service upon the Council of any notice, order or other document shall be executed by delivering it to, or by sending it by registered post addressed to, the executive secretary of the Council at the office of the Council.

Functions  
of the  
Council.

5—(1) It shall be the duty of the Council to undertake, foster and co-ordinate scientific research in this Island and to encourage the application of the results of such research to the exploitation and development of the resources of this Island.

(2) In particular, and without prejudice to the generality of the provisions of subsection (1) of this section, it shall be the duty of the Council—

- (a) to collect, collate and review information concerning scientific research schemes or programmes relevant to the development of the resources of this Island whether such scientific research schemes or programmes are being or have been undertaken in this Island or not;
- (b) to co-ordinate scientific research schemes and programmes undertaken by departments and agencies of the Government of this Island, by



statutory bodies or authorities, and, subject to their consent, by any other persons or organisations engaged in scientific research in this Island;

- (c) to foster and, where the Council thinks fit, to undertake and carry out, scientific research and investigation relating to—
  - (i) the development and utilisation of the resources of this Island;
  - (ii) the improvement of existing technical processes and methods;
  - (iii) the development of new technical processes and methods for application to the expansion or creation of industries and to the utilisation of waste products;
- (d) to encourage persons engaged in any industry to undertake scientific research in connection with such industry on a co-operative basis;
- (e) to establish and maintain a scientific information centre for the collection and dissemination of scientific and technical information;
- (f) to give any Minister such advice as such Minister may require in connection with any matter on which, by virtue of the provisions of this Law, the Council is competent to give advice.

(3) Subject to the provisions of this Law the Council shall have power, for the purpose of discharging any of its functions under this Law, to do anything and to enter into any transaction which in the opinion of the Council is necessary to ensure the proper discharge of its functions.

(4) The Council may, with the approval of the Minister, provide out of its funds and resources scholarships and other awards for the training of persons in scientific research.



(5) The Council may give such financial or other assistance as it thinks fit to persons undertaking research of a kind which the Council is authorised to foster or undertake.

Procedure  
and meet-  
ings.

6—(1) The Council shall meet at least once in every period of two months and such meetings shall be held at such places and times and on such days as the Council may determine.

(2) The chairman may at any time call a special meeting of the Council and shall call a special meeting within seven days of the receipt of a written request for that purpose addressed to him by any four members of the Council.

(3) The chairman shall preside at all meetings of the Council at which he is present, and in the case of his absence from any meeting the members present and constituting a quorum shall elect one of their number to act as chairman at that meeting.

(4) The powers of the Council may be exercised at a meeting at which the chairman or the person elected to act as chairman and at least half the number of members of the Council are present.

(5) Minutes in proper form of each meeting shall be recorded and shall be confirmed as soon as practicable thereafter at a subsequent meeting.

(6) Subject to the provisions of this section the Council shall have power to regulate its own proceedings.

(7) The validity of the proceedings of the Council shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

Committees.

7—(1) The Council may appoint such committees as it may think fit to advise the Council in the exercise of any of

its powers or the performance of any of its functions or to carry out on its behalf such duties as the Council may determine.

(2) Every committee appointed under this section shall consist of at least two members of the Council, of whom one shall be appointed to be chairman of the committee, and such other persons, whether members of the Council or not, as the Council may think fit.

8—The Council may appoint and employ at such remuneration and on such terms and conditions as it thinks fit an executive secretary and such other officers, agents and servants as it thinks necessary for the proper carrying out of the provisions of this Law:

Power to  
appoint  
officers,  
agents  
and  
servants.

Provided that—

- (a) no salary in excess of one thousand five hundred pounds per annum shall be assigned to any post without the prior approval of the Minister;
- (b) no appointment shall be made to any post to which a salary in excess of one thousand five hundred pounds per annum is assigned without the prior approval of the Governor acting in accordance with his own deliberate judgment.

9—(1) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any member of the Council in respect of any act done *bona fide* in pursuance or execution or intended execution of this Law.

Protection  
of members  
of the  
Council.

(2) Where any member of the Council is exempt from liability by reason only of the provisions of this section the Council shall be liable to the extent that it would be if the said member was a servant or agent of the Council.

10—There shall be paid to the chairman and other members of the Council such remuneration if any (whether

Remunera-  
tion of  
members.



by way of salaries or travelling or other allowances) as the Minister may determine.

### *Financial*

Funds and  
resources  
of the  
Council.

11—The funds and resources of the Council shall consist of—

- (a) such sums as may be provided annually for the purpose in the Estimates of Revenue and Expenditure of the Island; and
- (b) all other sums or property which may in any manner become payable to or vested in the Council for the general purposes of the Council in respect of any matter incidental to its powers and duties.

Accounts  
and audit.

12—(1) The Council shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by an auditor appointed by the Council with the approval of the Minister.

(2) The members, officers and servants of the Council shall grant to the auditor appointed to audit the accounts of the Council under the provisions of subsection (1) of this section access to all books, documents, cash and securities of the Council and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Council.

Annual re-  
ports and  
estimates.

13—(1) The Council shall in each year prepare and submit to the Minister on or before the thirtieth day of June a report of its proceedings during the twelve months ending on the thirty-first day of March in such year, including a statement of its accounts audited in accordance with the provisions of section 12 of this Law.

(2) The Minister shall cause a copy of the report together with the statement of accounts and the auditor's



report thereon to be laid on the Table of the House of Representatives and the Legislative Council.

(3) The Council shall, on or before the thirty-first day of October in each year, submit to the Minister for approval its estimates of revenue and expenditure in respect of the period commencing on the first day of April next following and ending on the thirty-first day of March of the subsequent year, and shall during that year submit to the Minister for approval any estimates of further expenditure as may become necessary.

### *Miscellaneous*

14—The Council may with the approval of the Minister Regulations.  
make regulations—

- (a) determining generally the conditions of service of officers and servants of the Council;
- (b) relating in particular, but without prejudice to the generality of the provisions of paragraphs (a) and (c) of this section, to—
  - (i) the grant of pensions, gratuities and other benefits to such officers and servants and their dependants, and the grant of gratuities and other benefits to the dependants or estates of deceased officers and servants of the Council;
  - (ii) the establishment and maintenance of sick funds, superannuation funds and provident funds, the contributions payable thereto and the benefits receivable therefrom;
- (c) generally for the better carrying out of the purposes of this Law.

Discoveries  
and inven-  
tions.

15—(1) All discoveries and inventions made by the Council or any of its officers, agents and servants in the performance of its functions under this Law shall be vested in the Council and the Council may make any such discovery or invention available to the public on such conditions and subject to the payment of such fees or royalties as the Council may think fit.

(2) The Council may with the approval of the Minister—

- (a) pay such bonuses or royalties as it may think fit to any person who makes any discovery or invention in the course of any research undertaken by or carried out under the direction of the Council, whether such person is a member, officer or servant of the Council or not;
- (b) where any discovery or invention is made available to the public subject to the payment of fees or royalties, exempt any person or organisation from the requirement to pay such fees or royalties or any portion thereof.

Exemption  
from  
income tax.

16—The Council shall be exempt from income tax.

Policy  
directions.

17—The Minister may, after consultation with the chairman, give to the Council directions of a general character as to the policy to be followed in the exercise and performance of its functions, and the Council shall give effect to any such directions.

Offences.

18—Any person who—

- (a) being a member, officer, agent or servant of the Council, without the authority of the Council publishes or communicates to any person otherwise than in the course of his duties as a member, officer, agent or servant of the Council, any information acquired by him in the course of such duties; or

- (b) being in possession of any information which to his knowledge has been disclosed in contravention of this Law, publishes or communicates such information to any person,

shall be guilty of an offence against this Law and shall be liable on conviction to a fine not exceeding three hundred pounds or to imprisonment with or without hard labour for a term not exceeding two years, or to both such fine and imprisonment.





# THE BANKING LAW, 1960

(Law 31 of 1960)

## *Arrangement of Sections*

### *PART I—Preliminary*

- 1—Short title and commencement.
- 2—Interpretation.

### *PART II—Licensing of Banks*

- 3—Restriction on carrying on of banking business.
- 4—Licensing of banks.

### *PART III—Capital and Reserves*

- 5—Minimum capital authorised, subscribed and paid up, etc
- 6—Reserve fund.
- 7—Maximum Jamaican liabilities.

### *PART IV—Restrictions on Banking Business*

- 8—Persons debarred from bank management.
- 9—Restriction on use of title "bank".
- 10—Prohibited business.

### *PART V—Cash Reserves and Liquid Assets*

- 11—Cash reserve.
- 12—Liquid assets.

### *PART VI—Returns and Accounts*

- 13—Returns.
- 14—Publication of balance sheet.

### *PART VII—Inspection*

- 15—Appointment of Inspector.
- 16—Duties of Inspector.
- 17—Powers of Inspector.
- 18—Assistance in the performance of functions of Inspector
- 19—Offences.
- 20—Secrecy.

### *PART VIII—General*

- 21—Actual or apprehended insolvency.
- 22—Exemption from certain requirements.
- 23—Restrictions on loans on the security of land.
- 24—Unclaimed moneys.
- 25—Prosecution of offences and recovery of penalties.
- 26—Publication of orders.
- 27—Saving.
- 28—Repeal.
- 29—Amendment.

Schedule.





No. 31—1960

I assent,

[L.S.]

K. W. BLACKBURNE, 50 42

*Governor*

13th June, 1960

A LAW to Consolidate and Amend the Law regulating the  
Business of Banking.

[The date of any Proclamation issued by the]  
Governor bringing the Law into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty, by  
and with the advice and consent of the Legislative Council  
and House of Representatives of Jamaica, and by the  
authority of the same, as follows:—

PART I—*Preliminary*

1—This Law may be cited as the Banking Law, 1960, Short title  
and com-  
mencement.  
and shall come into operation on a day to be appointed by  
the Governor by Proclamation.

2—(1) In this Law, unless the contrary intention appears, Interpreta-  
tion.  
the expression—

“bank” means any company carrying on banking  
business;

“banking business” means the business of receiving  
from the public on current account or deposit  
account money which is repayable on demand by

cheque or order and which may be invested by way of advances to customers or otherwise;

“Commonwealth” means collectively the United Kingdom, any part of Her Majesty’s dominions, India, Pakistan, the Federation of Malaya, any territory under Her Majesty’s protection, any territory administered by the Government of any part of Her Majesty’s domains under the trusteeship system of the United Nations, South West Africa and the New Hebrides;

Cap. 69.

“company” means a company incorporated under the Companies Law or by Royal Charter or by or under any law in force in any part of the Commonwealth or any licensed alien;

“deposit liabilities” means deposit liabilities payable in Jamaica;

“functions” includes duties and powers;

“Inspector” means the Inspector of Banks appointed pursuant to section 15;

“land” includes any interest in land;

“licence” means a licence granted under this Law;

Cap. 33.

“licensed alien” means an alien within the meaning of the Banks (Foreign) Law who, immediately prior to the commencement of this Law, holds a licence from the Governor in Council under that Law;

“manager” includes any person for the time being in charge of the principal office in Jamaica of any bank;

“perform”, in relation to functions, includes exercise.

(2) Grammatical variations of any expression defined in subsection (1) shall be construed accordingly.

(3) References in this Law to a section or the Schedule are references to a section of or the Schedule to this Law, as the case may be; and references in a section

to a subsection are unless the contrary intention appears references to a subsection of that section.

## PART II—*Licensing of Banks*

3—A person other than a company duly licensed under this Law shall not carry on banking business in Jamaica; and any person who contravenes this section shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding one thousand pounds.

Restriction  
on carrying  
on of bank-  
ing busi-  
ness.

4—(1) Every application for a licence to carry on banking business shall be made to the Minister who may in his discretion grant or refuse such application:

Licensing  
of banks.

Provided that, subject to the provisions of subsection (2), the Minister shall on application grant licences with effect from the commencement of this Law to the several banks specified in the Schedule and to every licensed alien, and, pending the issue of such licences, those banks and aliens shall be deemed to be duly licensed.

Schedule.

(2) A licence shall not be granted to any bank having its head office outside Jamaica unless such bank designates and notifies to the Minister—

- (a) a principal office in Jamaica;
- (b) by name one of its officers who is to be the bank's authorised agent in Jamaica; and
- (c) by name another of its officers who in the absence or inability to act of the officer named under paragraph (b) of this subsection is to be the bank's authorised agent in Jamaica.

(3) It shall be a condition of every licence granted to a bank to which subsection (2) applies, that the bank is forthwith to notify the Minister of any change of—

- (a) its principal office in Jamaica; or
- (b) either or both of the officers designated pursuant to paragraph (b) or (c) of subsection (2).



(4) The Minister may at any time after consultation with the Inspector by Order revoke a licence including a licence issued pursuant to the proviso to subsection (1) for any contravention of this Law or of any Order made thereunder, or if in the opinion of the Minister the Bank concerned is carrying on business in a manner detrimental to the public interest or to the interest of depositors of the bank.

(5) Before making an Order under subsection (4) the Minister shall give the bank concerned notice in writing of his intention so to do specifying therein the grounds on which he proposes to revoke the licence and shall afford that bank an opportunity of submitting to him a written statement of objections to the making of the Order and thereafter the Minister shall advise the bank of his decision.

### PART III—*Capital and Reserves*

Minimum  
capital  
authorised,  
subscribed  
and paid up,  
etc.

5—(1) Subject to subsection (2) and section 22, a licence shall not be granted to a bank unless—

- (a) the authorised capital of the bank is at least one hundred thousand pounds;
- (b) capital to an amount not less than one hundred thousand pounds has been subscribed;
- (c) not less than fifty thousand pounds of the subscribed capital have been paid up in cash at the time of the application for the licence.

(2) The Minister may by order vary the minimum amounts prescribed in paragraphs (a), (b) and (c) of subsection (1).

Reserve  
fund.

6—Subject to section 22, every bank shall maintain a reserve fund to which at the end of each year there shall be transferred ten per centum of the net profits of the bank in that year until the amount at the credit of the reserve fund is equal to the authorised capital of the bank.

7—Subject to section 22 a licensed bank shall not incur in Jamaica liabilities of an amount exceeding twenty times the amount of its paid up capital and reserve fund.

Maximum  
Jamaican  
liabilities.

#### PART IV—*Restrictions on Banking Business*

8—(1) Any person—

- (a) who has been a director of, or directly or indirectly concerned in the management of, a bank which has been wound up by a court; or
- (b) who has been sentenced by a court of law to a term of imprisonment for an offence involving dishonesty and has not received a full pardon for that offence,

Persons  
debarred  
from bank  
manage-  
ment.

shall not without the express authorisation of the Minister act or continue to act as a director of, or be directly or indirectly concerned in the management of, any bank.

(2) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding one thousand pounds.

9—(1) Any person other than a company duly licensed under this Law who in connection with a trade or business carried on by him uses the word bank or any grammatical variation thereof in a manner calculated to lead the public or a section thereof to believe that that trade or business is a bank shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding five hundred pounds.

Restriction  
on use of  
title "bank".

(2) Subject to the provisions of subsection (3) the Minister, if after consultation with the Inspector he considers it to be in the public interest so to do, may by Order direct any person other than a company duly licensed under this law trading or carrying on business under any

name or title of which the word "bank" or any grammatical variation thereof forms part—

- (a) within twenty-eight days from the date of the Order, to delete from the name under which the business is carried on the word "bank" or any grammatical variation thereof, or any other word forming part of such name;
- (b) forthwith to refrain from receiving from the public money withdrawable by cheque or order.

(3) Before making an Order under subsection (2) the Minister shall give the person concerned notice in writing of his intention so to do and shall afford that person an opportunity of submitting to him a written statement of objections to the making of the Order.

(4) Any person contravening an Order made under subsection (2) shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding ten pounds for each day during which the contravention continues.

Prohibited  
business.

10—(1) A bank shall not—

- (a) engage in any trade save in so far as may be necessary in the ordinary course of banking operations and services, including the satisfaction of debts due to the bank, and the due performance of its functions as a trustee, executor or administrator or as attorney for any such person;
- (b) acquire land save in so far as may be necessary—
  - (i) so to do for the purpose of conducting its business or housing its officers or employees; or
  - (ii) in the ordinary course of banking operations and services including the satisfaction of debts due to the bank and the due performance of its functions as a trustee, executor or administrator or as attorney for any such person;



- (c) acquire, deal in or lend money or make advances on the security of its own shares;
- (d) grant unsecured credit facilities to—
  - (i) any director of the bank beyond the amount of two per centum of its paid up capital and reserve fund or such other proportion thereof as the Minister may from time to time approve;
  - (ii) any firm or corporation in which the bank, its manager or a director has an interest as a partner, member or shareholder or in respect of which any of its directors is a guarantor beyond the amount of five per centum of its paid up capital and reserve fund or such other proportion thereof as the Minister may from time to time approve;
  - (iii) any officer or employee of the bank beyond the amount of two years' emoluments of such officer or employee;
- (e) lend money or make advances to any one person exceeding in the aggregate ten per centum of its paid up capital and reserve fund or such other proportion thereof as the Minister may from time to time by Order approve;
- (f) pay any dividend on its shares until all its capitalised expenditure not represented by tangible assets (including preliminary expenses, organisation expenses, share-selling commission and brokerage) has been completely written off.

(2) A bank shall not beneficially hold in fee simple for any period exceeding three years from the date of acquisition land acquired in the course of the satisfaction of debts due to the bank, but shall forthwith after the expiry of that period sell or otherwise dispose of the land absolutely so that the bank no longer has, directly or indirectly, any interest or control in respect thereof except by way of security.

(3) The Minister may direct that the time specified in subsection (2) for sale or disposal of land be extended for a further period or periods not exceeding in the aggregate ten years.

#### PART V—*Cash Reserves and Liquid Assets*

Cash  
reserve.  
Law 32 of  
1960.

11—(1) Subject to section 30 of the Bank of Jamaica Law, 1960 every bank shall maintain in the form of a deposit with the Bank of Jamaica a cash reserve not less on the average than five per centum of the amount of its deposit liabilities:

Provided that in respect of any period during the twelve months next after the commencement of this Law the Minister may from time to time by Order prescribe a lower minimum percentage than the minimum prescribed in this section.

(2) Until an Order is made under subsection (3), for the purpose of determining the amount of the cash reserve required to be maintained by a bank during any month—

- (a) the amount of its deposit with the Bank of Jamaica shall be the average amount of such deposit;
- (b) the amount of its deposit liabilities shall be the average amount of such liabilities;

at the close of business on Wednesdays in each of the four consecutive weeks ending with the last Wednesday but one of the preceding month.

(3) The Minister may by Order from time to time vary the method to be used in calculating the average of of the cash reserve required to be maintained under this section.

Liquid  
assets.

12—(1) Every bank shall so conduct its business as to ensure that taking one month with another its liquid assets are on the average not less than fifteen per centum of the amount of its deposit liabilities, or such other percentage thereof as may be fixed by the Minister by Order.



(2) For the purposes of this section "liquid assets" means—

- (a) cash reserves on deposit with the Bank of Jamaica in accordance with section 11;
- (b) cash balances with the Bank of Jamaica in excess of such required amount;
- (c) notes and coin which are legal tender in Jamaica;
- (d) money at call or short notice;
- (e) Treasury Bills of the Government of Jamaica or of the United Kingdom;
- (f) such other assets as the Minister may determine after consultation with the Governor of the Bank of Jamaica.

#### PART VI—*Returns and Accounts*

13—Every bank shall in relation to its operations in Jamaica deliver to the Minister in such form as he may from time to time approve— Returns.

- (a) not later than twenty-one days after the last day of each month a monthly statement of assets and liabilities;
- (b) not later than twenty-one days after the end of the quarter to which it relates a quarterly return providing an analysis of customers' liabilities to the bank in respect of loans and advances;
- (c) not later than sixty days after the end of each calendar year, or at the end of each financial year of the bank an annual return made up as at the end of that calendar year or financial year as the case may be, of—
  - (i) the bank's current operating earnings and expenses during the year;
  - (ii) all debts payable by the bank in Jamaica in respect of which during a period of fourteen or more years no transaction has taken place and no statement of account



has been requested or acknowledged by the creditor;

- (iii) unpaid cheques, drafts or bills of exchange issued, certified or accepted by the bank and payable in Jamaica, and outstanding for fourteen or more years from the date of such issue, certification or acceptance as the case may be;
- (iv) all dividends remaining unpaid for a period exceeding five years;
- (v) land acquired in the course of the satisfaction of debts due to the bank and beneficially held in fee simple by the bank.

(d) such other returns as the Minister may require;

Provided that no statement or return shall be required under paragraphs (a), (b), or (d) or subparagraph (i) of paragraph (c) of this section in respect to the affairs of any particular customer of a bank.

Publication  
of balance  
sheet.

14—(1) Every bank shall—

- (a) exhibit throughout the year in a conspicuous position in the principal office in Jamaica of the bank and every branch thereof in Jamaica a copy of its last audited balance sheet; and
- (b) on or about the date of the presentation of such balance sheet to the shareholders in general meeting, cause a copy thereof to be published in the *Gazette* and in a daily newspaper circulating in Jamaica.

(2) Any bank which contravenes this section shall be guilty of an offence and shall be liable on conviction thereof to a fine not exceeding one hundred pounds.

## PART VII—*Inspection*

Appoint-  
ment of  
Inspector.

15—The Governor shall from time to time appoint a fit and proper person to be Inspector of Banks.

16—It shall be the duty of the Inspector—

Duties of  
Inspector.

- (a) to maintain a general review of banking practice in Jamaica;
- (b) at least once in each year to examine in such manner as he thinks necessary the affairs or business of every bank carrying on business in Jamaica for the purpose of satisfying himself that the provisions of this Law are being complied with and that the bank is in a sound financial position, and to report to the Minister the results of every such examination;
- (c) to examine and to report on the several returns delivered to the Minister pursuant to section 13; and
- (d) to examine and make recommendations to the Minister with respect to applications for licences.

17—In the performance of his functions under this Law the Inspector shall be entitled at all reasonable times—

Powers of  
Inspector.

- (a) to have access to such books, records, vouchers, documents, cash and securities of any bank;
- (b) to call upon the manager or any officer designated by the manager of any Bank for such information or explanation,

as the Inspector may reasonably require for the purpose of enabling him to perform his functions under this Law.

18—The Inspector with the approval of the Minister may in writing authorise any other person to assist the Inspector in the performance of his functions under this Law.

Assistance in  
the perform-  
ance of func-  
tions of In-  
spector.

19—Any person who fails to comply with any requirement made pursuant to section 17 by the Inspector or any person authorised under section 18 shall be guilty of an

Offences.

offence, and on conviction thereof shall be liable to a fine not exceeding two hundred pounds.

Secrecy.

20—(1) The Inspector shall not disclose to any other person except the Minister or his nominee any information regarding the operations of any bank.

(2) A person authorised under section 18 shall not disclose to any other person except the Inspector any information regarding the operations of any bank.

(3) A person who obtains any information regarding the affairs of a customer of a bank in consequence of the performance under this Law of the functions of the Inspector or of any person authorised under section 18 shall not disclose that information otherwise than for the purposes of this Law or of the Bank of Jamaica Law, 1960.

(4) Any person who contravenes the provisions of this section shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding one thousand pounds.

#### PART VIII—General

Actual or  
apprehended  
insolvency.

21—(1) The Minister may in relation to a bank which is or appears likely to become unable to meet its obligations take such steps as he considers best calculated to serve the interest of the community.

(2) Without prejudice to the provisions of section 13 the Minister may by instrument in writing require the manager of any bank to supply within such time as may be specified in the instrument such information relating to the financial position of the bank as may be so specified; and any person who contravenes the requirements of such an instrument or who in response to such instrument knowingly or wilfully supplies false information to the Minister shall be guilty of an offence and on conviction thereof shall be liable to a fine not exceeding five hundred pounds.



22—The Minister upon the application of any bank not incorporated in Jamaica for exemption from the provisions of any one or more of sections 5, 6 and 7 may, if after consultation with the Inspector he is satisfied that the financial position of that bank is sound, by Order grant the application.

Exemption  
from certain  
require-  
ments.

23—The Minister may after consultation with the Inspector by Order require every bank in lending money on the security of land to comply with such conditions as may be specified in the Order:

Restrictions  
on loans on  
the security  
of land.

Provided that no such Order shall apply to or affect any transaction entered into by the bank prior to the making of the Order.

24—(1) Where by any such annual return as is required by section 13 it appears that any moneys have remained in the possession or under the control of a bank for a period of thirty or more years (beginning either before or after the commencement of this Law), the Minister shall cause a notice to be published in the *Gazette* and in one or more than one newspaper published in Jamaica—

Unclaimed  
moneys.

- (a) giving full particulars of the moneys so remaining as aforesaid;
- (b) stating the period during which they have so remained; and
- (c) stating that unless within one year from the date of the first publication of the notice in the *Gazette* a claim to those moneys is established to the satisfaction of a court of competent jurisdiction the moneys will be dealt with in accordance with subsection (2);

which notice shall during the said year be published four times or more often if the Minister thinks fit.

(2) Subject to subsection (3), upon the expiration of the said year any of such moneys to which no claim has

been established as aforesaid shall lapse to and become part of the revenues of Jamaica.

(3) Where—

- (a) a claim has been duly made but not determined during the said year; and
- (b) before the expiration of that year the proper officer of the court lodges with the Accountant General a certificate to that effect signed by the Judge or Resident Magistrate, as the case may be;

subsection (2) shall not have effect in relation to the moneys in question until that certificate is cancelled or revoked.

(4) Any sum as respects which subsection (2) takes effect shall be recoverable from the bank as a debt due to the Government.

Prosecution  
of offences  
and recovery  
of penalties.

25—(1) Every offence under and every contravention of this Law shall be tried summarily before a Resident Magistrate.

(2) A person upon whom a fine is imposed under this Law may be sentenced in default of payment thereof to imprisonment with or without hard labour in the case of a fine—

- (a) not exceeding two hundred pounds for a period not exceeding three months;
- (b) exceeding two hundred pounds but not exceeding five hundred pounds for a period not exceeding six months;
- (c) exceeding five hundred pounds but not exceeding one thousand pounds for a period not exceeding twelve months.

Publication  
of orders.

26—Every Order made by the Minister under this Law shall be published in the *Gazette*.

27—Nothing in this Law shall apply to the Bank of Jamaica, the Government Savings Bank constituted under the Government Savings Bank Law, or to any society registered under the Agricultural Loan Societies Law, the Building Societies Law or the Industrial and Provident Societies Law.

Saving.

Cap. 139.

Cap. 5.

Cap. 48

Cap. 159

28—The Banking Corporations and Copartnership Regulation Law, the Bankers (Unclaimed Moneys) Law and the Banks (Foreign) Law are hereby repealed.

Repeal.

Cap. 279 of

Revised Edi-

tion 1938.

Cap. 29.

Cap. 33.

29—Section 33 of the Evidence Law is hereby amended by deleting therefrom the definition of "bank" or "banker" and substituting therefor the following definition—

Amendment

of Cap. 118.

"bank" or "banker" means any bank licensed under the Banking Law, 1960, the Government Savings Bank constituted under the Government Savings Bank Law and any other Savings Bank established and carrying on business within the Island under the provisions of any Law relating to Savings Banks; and the fact that any such Savings Bank is established and carrying on business as aforesaid may be proved by the production of an office or examined copy of the rules or regulations of that Savings Bank certified under the provisions of the Law under which it is established."

Law 31 of  
1960.

Cap. 139.

## SCHEDULE

(Section 4 (1) )

Bank of London and Montreal

Bank of Nova Scotia

Barclays Bank D.C.O.

Canadian Bank of Commerce

Royal Bank of Canada





# THE BANK OF JAMAICA LAW, 1960

(Law 32 of 1960)

## ARRANGEMENT OF SECTIONS

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No. 32—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

13th June, 1960

A LAW to Provide for the establishment of the Bank of Jamaica, and for purposes connected therewith.

[The date of any Proclamation issued by the]  
Governor bringing the Law into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

PART I

*Preliminary*

1—This Law may be cited as the Bank of Jamaica Law, 1960, and shall come into operation on a day to be appointed by the Governor of Jamaica by Proclamation. Short title  
and com-  
mencement

2—(1) In this Law unless the context otherwise requires— Interpreta-  
tion.

“Bank” means the Bank of Jamaica established under this Law;

“Board” means the Board of Directors of the Bank appointed under section 6;

Law 31 of  
1960.

“commercial bank” means a company duly licensed in accordance with the provisions of the Banking Law, 1960, to carry on banking business;

“Commonwealth” means collectively the United Kingdom, any part of Her Majesty’s dominions, India, Pakistan; the Federation of Malaya, any territory under Her Majesty’s protection, any territory administered by the Government of any part of Her Majesty’s domains under the trusteeship system of the United Nations, South West Africa and the New Hebrides;

Cap. 88.

“Currency Board” means the Board of Commissioners of Currency established under the Currency Notes Law;

“Deputy Governor” means the Deputy Governor of the Bank appointed pursuant to section 6;

“financial year” means the financial year of the Bank;

“Governor” means the Governor of the Bank appointed pursuant to section 6;

“notes” and “coins” means respectively notes and coins of the currency of the Island;

“perform”, in relation to functions, includes exercise, and grammatical variations of the expression shall be construed accordingly.

(2) References in this Law to a section or the Schedule are unless the contrary intention appears references to a section of or the Schedule to this Law, as the case may be; and references in a section to a subsection are unless the contrary intention appears references to a subsection of that section.

## PART II

*Constitution*

3—(1) There is hereby established for the purposes of this Law a Bank to be known as the Bank of Jamaica.

Establish-  
ment of  
Bank of  
Jamaica.

(2) The Bank shall be a body corporate having perpetual succession and a common seal and, subject to the provisions of this Law, with power to acquire, hold and dispose of land and other property of whatever kind and to enter into contracts and to do all things necessary for the purposes of its functions.

(3) The Bank may sue and be sued in its corporate name and may for all purposes be described by that name.

(4) The seal of the Bank shall be authenticated by the signature of the Governor or Deputy Governor and one other director authorised to act in that behalf and shall be judicially and officially noticed.

(5) All documents, other than those required by law to be under seal, made by and all decisions of the Board may be signified under the hand of the Governor or any other director authorised to act in that behalf.

4—The Bank shall have its principal place of business in Kingston and may maintain such branches, agencies and correspondents (whether in Jamaica or elsewhere) as the Board may think necessary.

Place of  
business.

5—The principal objects of the Bank shall be to issue and redeem notes and coins, to keep and administer the external reserves of Jamaica, to influence the volume and conditions of supply of credit so as to promote the fullest expansion in production, trade and employment, consistent with the maintenance of monetary stability in Jamaica and the external value of the currency, to foster the development of money and capital markets in Jamaica and to act as banker to the Government.

General  
objects of  
Bank.



Board of  
Directors.

6—(1) There shall be a Board of Directors of the Bank which, subject to the provisions of this Law, shall be responsible for the policy and the general administration of the affairs of the Bank.

(2) The Board shall consist of a Governor and six other directors to be appointed by instrument in writing by the Governor of Jamaica on the recommendation of the Minister; and one of such other directors may be appointed in like manner and on the like recommendation to be Deputy Governor.

(3) The Governor, or, in his absence, the Deputy Governor, shall be in charge of the day to day management of the Bank and shall be answerable to the Board for his acts and decisions.

(4) No action, suit, prosecution or other proceedings shall be brought or instituted personally against any director in respect of any act done *bona fide* in pursuance or execution or intended execution of this Law.

(5) Where any director is exempt from liability by reason only of the provisions of subsection (4) the Bank shall be liable to the extent that it would be if that director were a servant or agent of the Bank.

Schedule.

(6) The provisions of the Schedule shall have effect as to the tenure of office of the directors and the operations of the Board and otherwise in relation thereto.

Power to  
appoint  
officers,  
agents and  
servants.

7—(1) Subject to subsection (2), the Bank may appoint and employ at such remuneration and on such terms and conditions as it thinks fit, such officers, agents and servants as the Board considers necessary for the due performance of the functions of the Bank.

(2) An annual salary exceeding two thousand pounds shall not be assigned to any post without the prior approval of the Minister; and no appointment to any post to which an annual salary exceeding two thousand pounds is assigned shall be made without the prior approval of the Governor of Jamaica acting in his discretion.

(3) The Governor of Jamaica may, subject to such conditions as he may impose, approve of the appointment of any public officer in the service of Jamaica to any office with the Bank and any public officer so appointed shall, in relation to pension, gratuity or other allowance, and to other rights as a public officer, be treated as continuing in the service of the Government.

8—The Bank shall have two divisions, namely—

Divisions of  
Bank.

- (a) a Currency Division which shall be responsible for the issue of notes and coins and for related matters; and
- (b) a Banking Division which shall be responsible for the performance of the other functions of the Bank.

### PART III

#### *Capital and Reserve*

9—(1) The authorised capital of the Bank shall be one million pounds.

Capital of  
the Bank.

(2) Upon the establishment of the Bank there shall be paid by the Government from the Consolidated Fund in respect of such capital the sum of two hundred and fifty thousand pounds.

(3) The balance of seven hundred and fifty thousand pounds shall be paid from the Consolidated Fund at such times as the Board with the approval of the Minister may require.

(4) Subject to the approval of the House of Representatives the capital of the Bank may from time to time be increased by resolution of the Board.



General  
Reserve  
Fund.

10—(1) The Bank shall establish and maintain a General Reserve Fund—

(a) to which, subject to subsection (2), shall be transferred at the end of each financial year the net profits of the Bank after allowing for the expenses of the operation and after provision has been made for bad and doubtful debts, depreciation in assets, contributions to staff and superannuation funds and other contingencies and after taking into account any sum transferred at the end of that year into the general revenues of the Bank, in accordance with subsection (3); and

(b) upon which shall be charged any net losses of the Currency Division at the end of any financial year.

(2) Whenever the sums standing to the credit of the General Reserve Fund amount to three times the Bank's authorised capital the residue of any such net profits as are referred to in paragraph (a) of subsection (1) shall be paid to the Consolidated Fund.

(3) Any net profits of the Currency Division after expenses incurred in providing, issuing, exchanging and redeeming notes and coins, together with all running expenses of the Division have been met, and after providing a sufficient reserve against the depreciation of assets and against exceptional expenditure and other contingencies, shall be transferred to the general revenues of the Bank.

(4) If on the last day of any financial year the current market value of the assets of the Currency Division is less than the face value of the notes and the coins in circulation the deficit shall be charged to the General Reserve Fund.

(5) If any deficit under subsection (4) and any net losses referred to in subsection (1) taken together exceed the amount of the General Reserve Fund at the end of the financial year, a sum equivalent to the excess shall be paid to the Bank from the Consolidated Fund.



## PART IV

*Currency, Coinage and Legal Tender*

11—(1) The currency of the Island shall be the notes and coins issued by the Bank under this Law.

Currency of the Island

(2) The unit of currency of the Island shall be the Jamaica pound which shall be divided into twenty shillings, each shilling being divided into twelve pence.

12—The parity of the Jamaica pound shall be one Jamaica pound to one pound sterling.

Parity of the Jamaica pound.

13—(1) The Bank shall have the sole right and authority to issue notes and coins in the Island.

Sole right to issue notes and coins.

(2) This section shall not be construed as affecting any rights which Barclays Bank D.C.O. may have to issue bank notes in the Island.

14—Notes issued by the Bank shall be exempt from the payment of stamp duties.

Exemption from stamp duty on notes.

15—The Minister may after consultation with the Bank—

Denominations and forms of notes and coins.

(a) approve on the recommendation of the Bank the denominations, form and design of notes and coins to be issued by the Bank;

(b) by order determine the standard weight and composition of coins to be issued by the Bank and the amount of remedy (or variation from the standard weight and composition) which may be allowed in the making of such coins.

16—(1) Subject to subsection (2) and to section 17, a tender of payment of money if made in any of the following respective notes and coins shall be legal tender—

Legal tender.

(a) in the case of notes of the currency of the Island for the payment of any amount;

(b) in the case of British West Indies currency notes, for the payment of any amount;

- (c) in the case of coins of the currency of Great Britain, for the payment of such amount as may from time to time be prescribed under the Coinage Acts 1870 to 1946 (Imperial);
- (d) in the case of coins of the currency of the Island of a denomination of not less than sixpence, for the payment of an amount not exceeding forty shillings, but for no greater amount;
- (e) in the case of coins of the currency of the Island of a denomination of less than sixpence, for the payment of an amount not exceeding one shilling, but for no greater amount.

(2) For the purposes of this section, the parity of British West Indies currency notes shall be one dollar to four shillings and twopence.

(3) A coin that is bent, mutilated or defaced, or that has been reduced in weight otherwise than by abrasion through ordinary use shall not be legal tender.

(4) In this section "British West Indies currency notes" means currency notes provided, issued or re-issued by the Board of Commissioners of Currency, British Caribbean Territories (Eastern Group) as constituted by agreement made between the Governments of the Colonies of Barbados, British Guiana, the Leeward Islands, Trinidad and Tobago and the Colonies of Grenada, St. Vincent, St. Lucia and Dominica, comprising the Windward Islands, which are for the time being legal tender in any of the aforementioned Colonies.

Denometiza-  
tion of  
notes and  
coins.

17—(1) The Bank shall have power on giving three months' notice in the *Gazette* to call in any notes and coins on payment of the face value thereof and any such notes or coins with respect to which a notice has been given under this section shall, on the expiration of the notice, cease to be legal tender, but shall be redeemed by the Bank upon such conditions as may be prescribed.



(2) A person shall not be entitled to recover from the Bank the value of any lost, stolen, mutilated, or imperfect note or coin. The circumstances in which, and the conditions and limitations subject to which, the value of lost, stolen, mutilated or imperfect notes or coins may be refunded as of grace shall be within the absolute discretion of the Bank.

18—(1) No piece of gold, silver, copper, bronze, nickel or any metal or mixed metal whatsoever, or any alloy of any such metal, shall be made, issued or used, except under the provisions of this Law as a coin or as a token for money or as purporting that the owner thereof is entitled to demand any value denoted thereon.

Prohibition  
of metal  
tokens for  
money.

(2) Any person who contravenes the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one hundred pounds or in default of payment thereof to imprisonment with hard labour for a term not exceeding six months.

19—Every contract, sale, payment, bill, note, instrument and security for money, and every transaction, dealing, matter and thing whatever relating to money or the liability to pay any money which is made, executed or entered into, done or had, shall be made, executed, entered into, done and had according to the currency of the Island and not otherwise unless they are made, executed, entered into, done or had according to the currency of some other country.

Contracts,  
etc., to be  
in currency.

20—The Bank shall—

- (a) arrange for the printing of notes and the minting of coins for circulation in Jamaica;
- (b) issue, re-issue and redeem such notes and coins;
- (c) arrange for the safe custody of unissued stocks of notes and coins and for the preparation, safe custody and destruction of plates and paper for

Functions  
of Bank in  
relation to  
currency.



the printing of notes and dies for the minting of coins.

Obligation  
to issue and  
redeem notes  
and coins  
for sterling.

21—(1) Subject to subsection (2), the Bank shall on demand by any person at its principal place of business in Kingston—

- (a) issue in Jamaica notes and coins in exchange for an equivalent amount in sterling for immediate delivery in London;
- (b) redeem notes and coins by the payment in exchange of an equivalent amount in sterling for immediate delivery in London:

Provided that the Bank may, from time to time by notice published in the *Gazette*, impose an exchange charge not exceeding fifteen shillings for every hundred pounds in respect of the issue or redemption of notes and coins.

(2) The Bank may by notice published in the *Gazette* prescribe in relation to the issue and redemption of notes and coins under subsection (1) the minimum amount which may be involved in any one transaction.

Assets to  
cover  
currency  
issue.

22—(1) The Bank shall from time to time appropriate to and hold in the Currency Division assets of an amount in value sufficient to cover the value of the total amount of notes and coins for the time being in circulation.

(2) Such assets shall consist of all or any, of the following—

- (a) gold coin or gold bullion;
- (b) sterling notes, coins or bank balances;
- (c) money at call with banks in the United Kingdom;
- (d) Treasury bills maturing within ninety-three days of the Government of the United Kingdom or of the West Indies or of any unit territory therein;
- (e) other securities issued or guaranteed by the Government or issued by the Government or Administration of any territory in the Commonwealth.

Provided that securities issued or guaranteed by the Government shall not exceed in value fifty per centum of the amount in value of the total assets held under the provisions to this section.

23—(1) So long as there is in the Constitution of the West Indies provision for—

Profits and losses of currency operations.

(a) payments by the Government of Jamaica to the Federal Government of amounts equal to the sums transferred to the General Revenue of Jamaica from the Government Currency Note Income Account or the Note Security Fund under the Currency Notes Law of Jamaica; or

Cap. 88.

(b) payments by the Federal Government to the Government of Jamaica of amounts equal to the sum, if any, paid from the General Revenue of Jamaica to meet any deficiency in the Government Currency Note Income Account under the Currency Notes Law of Jamaica,

the Bank shall maintain accounts to show the amount of profits or losses on its currency operations separately from any other operations of the Bank; and upon the condition that the Federal Government shall pay to the Government of Jamaica, in respect of any year in which such currency operations result in a loss, a sum equal to such loss, the Government of Jamaica shall pay to the Federal Government, in respect of any year in which such currency operations result in a profit, a sum equal to such profit.

(2) The Governor shall transmit to the Minister, as soon as may be after the close of each financial year, statements of the profits or losses on currency operations for that year as shown by the accounts maintained pursuant to subsection (1).

(3) Such profits or losses shall for the purpose of this section be calculated on such basis as shall be prescribed (regard being had to the basis of calculation in force under

Cap. 88.

the Currency Notes Law, immediately before the commencement of this Law or to such other basis as may from time to time be agreed upon between the Federal Government and the Government of Jamaica).

Power of  
Minister to  
make regu-  
lations.

24—The Minister, after consultation with the Bank, may make regulations—

- (a) prescribing anything required to be prescribed under this Part of this Law;
- (b) with respect to any matter relative to currency and coinage not provided for in this Law.

## PART V

### *Banking*

Powers of  
the Bank.

25—Subject to the provisions of this Law, the Bank may for the purpose of the performance of its functions—

- (a) accept deposits of money;
- (b) pay money whether by demand drafts or other instrument payable at its own offices or at the offices of its agents or correspondents;
- (c) buy and sell gold coin and gold bullion;
- (d) buy, sell, discount and re-discount—
  - (i) inland bills of exchange or promissory notes maturing within two hundred and seventy days of the date of acquisition;
  - (ii) Treasury Bills of the Government of the United Kingdom or of the West Indies or of any unit territory therein;
- (e) buy and sell securities issued or guaranteed by the Government or by the Government or Administration of some other territory in the Commonwealth;



(f) grant loans and advances for fixed periods not exceeding six months on the security of all or any of the following—

- (i) gold coin or gold bullion;
- (ii) Treasury bills of the Government;
- (iii) securities issued or guaranteed by the Government;
- (iv) such bills of exchange and promissory notes as are eligible for purchase, discount or re-discount by the Bank;
- (v) warehouse warrants or their equivalent (securing possession of goods) in respect of finished or semi-finished products, duly insured and accompanied by a letter of hypothecation from the owner:

Provided that a loan granted on any such security as is mentioned in sub-paragraph (iii) or (iv) of this paragraph shall not exceed seventy-five per centum of the current market value of that security;

- (g) buy and sell foreign currencies, foreign bills of exchange and securities of foreign governments;
- (h) maintain deposits in any other bank whether in Jamaica or elsewhere and utilize any such deposit as the Board thinks expedient for the due performance of the functions of the Bank;
- (i) make arrangements or enter into an agreement with any bank or financial institution outside Jamaica to borrow in such manner, at such rates of interest and upon such other terms and conditions as it may think fit, any foreign currency which the Board may think it expedient to acquire;
- (j) with the approval of the Minister subscribe to, hold and sell the shares of any corporation established

with the approval of or under the authority of the Government for the purpose of promoting the development of a money market or securities market in Jamaica or of improving the financial machinery for the financing of economic development;

- (k) do any other banking business incidental or ancillary to or consequential upon the performance of its functions;
- (l) provide for training of such employees of the Bank or other persons as appear to the Board to be suitable therefor in the subject of money and banking, statistics, finance and other economic subjects.

Restrictions  
on business  
of the Bank.

26—Except as authorised by this Law the Bank shall not—

- (a) engage in any trade;
- (b) purchase the shares of any other bank or of any other company or grant loans on the security of any shares in any bank or company;
- (c) lend money or make advances other than on any such security as is specified in paragraph (f) of section 25 except that where the security for a debt due to the Bank has or is likely to become in the opinion of the Board inadequate, the Bank may secure itself on any land the property of the debtor and may acquire such land which shall however be resold at the earliest suitable opportunity;
- (d) accept for discount, or as guarantee for an advance made by the Bank, bills or notes signed by any director, officer or employee of the Bank;
- (e) make loans or advances without security;

- (f) purchase, acquire or lease real property except in accordance with paragraph (c) of this section and except so far as the Board considers necessary or expedient for the provision or future provision of business premises for the Bank and its agencies and of residences for the Governor, Deputy Governor, officers and employees of the Bank.

27—The Bank shall from time to time fix and announce its minimum rates for discounts and re-discounts.

Minimum discount and re-discount rates.

28—The Bank may act as banker to commercial banks in Jamaica and as agent and correspondent to banks abroad.

Bank as bankers' banker.

29—The Bank may promote the establishment of bank clearing systems and provide facilities for the clearance and settlement of cheques by commercial banks.

Clearance facilities.

30—(1)—Subject to subsection (2), the Bank may from time to time by notice published in the *Gazette* vary the percentage of deposit liabilities which commercial banks are required to maintain with the Bank as a minimum cash reserve under section 11 of the Banking Law, 1960, so, however, that such percentage shall not be less than five nor more than fifteen per centum.

Reserve requirements.

Law 31 of 1960.

(2) Where any such percentage is to be increased—

- (a) the increase shall be so effected as not to exceed two percentage points in any one period of thirty days; and
- (b) it shall be the duty of the Board to give to all commercial banks at least thirty days' notice of the date on which the increase is to take effect.

31—The Bank may require any commercial bank to furnish within such time and in such form as the Bank thinks necessary such information as the Bank considers requisite for the purpose of ascertaining whether that bank

Power of Bank to require information from commercial banks.



Law 31 of  
1960.

is complying with the provisions of section 11 of the Banking Law, 1960, or of section 30.

Selective  
controls.

32—(1) Subject to subsections (2) and (3), the Bank may by notice from time to time prescribe the maximum amounts of loans and advances which commercial banks may have outstanding during such period or periods as may be specified in the notice so however that such amounts shall not in respect of each bank be less than the respective amounts of the loans and advances by that bank outstanding at the date of issue of the notice.

(2) A notice under subsection (1) may be made applicable to all the loans and advances of each commercial bank or to any specified class or classes of such loans and advances.

(3) A notice under subsection (1) shall state the date on which it shall take effect which shall not be less than thirty days after the date of issue.

Local  
assets ratio.

33—The Bank may by notice prescribe the minimum ratio which, after the expiration of six months from the date of service of the notice, assets held in Jamaica by commercial banks shall bear to their deposit liabilities in Jamaica, but any variation of such a ratio shall not exceed five percentage points in any one period of six months.

## PART VI

### *Relations with the Government*

Power of  
Bank to act  
as banker to  
the Govern-  
ment.

34—The Bank may act as banker to the Government and shall be entrusted with such Government banking business in Jamaica and abroad as may be assigned to it by the Minister.

Advances to  
the Govern-  
ment.

35—(1) The Bank may in any financial year make temporary advances to the Government which shall—

(a) not exceed in the aggregate fifteen per centum of

the estimated revenue of Jamaica for that financial year; and

- (b) be repaid not later than three months after the end of that financial year.

(2) Where such advances are not duly repaid the power of the Bank to grant further advances in any subsequent financial year shall not be exercisable unless and until the outstanding advances have been repaid.

(3) For the purpose of this section "financial year" means the financial year of the Government.

36—The Bank shall not in relation to the operations of the Banking Division hold in the aggregate securities issued or guaranteed by the Government of a nominal value exceeding seven times the authorised capital of the Bank.

Limitation  
to Bank's  
holding of  
public debt.

37—The Bank shall, at the request of the Minister and subject to such terms and conditions as may be agreed between the Minister and the Bank, act as agent for the Government in the payment of interest and principal and generally in respect of the management of the public debt of Jamaica.

Management  
of the public  
debt.

38—The Bank may act generally as agent for the Government where it can do so appropriately and consistently with its functions under this Law.

Power of  
Bank to act  
as agent for  
the Govern-  
ment.

39—The Minister may from time to time after consultation with the Governor give to the Bank in writing such directions of a general nature as appear to the Minister to be necessary in the public interest, including without prejudice to the generality of the foregoing provisions directions to review the state of credit in any sector of the economy and either to make recommendations for improving the supply of credit or to take steps to foster the provision of credit to that sector of the economy.

Power of  
Minister to  
give general  
directions.

## PART VII

*Accounts and Reports*

Bank's  
financial  
year.

40—The financial year of the Bank shall end on the thirty-first day of December.

Accounts  
and audit.

41—(1) The accounts of the Bank shall be audited by auditors appointed annually by the Board with the approval of the Minister.

(2) Without prejudice to the provisions of subsection (1) the Minister may at any time require the Auditor General to examine and report on the accounts of the Bank as a whole or any aspect of the Bank's operations and the Bank shall provide the Auditor General with all necessary and proper facilities for such an examination.

Reports.

42—(1) The Bank shall, within three months after the end of each financial year, cause to be made and transmit to the Minister—

- (a) a report dealing generally with the operations of the Bank during the last preceding financial year; and
- (b) a copy of the annual statement of accounts of the Bank certified by the auditors.

(2) The Minister shall as soon as possible after their receipt—

- (a) cause a copy of the report together with the annual statement of accounts and the auditors' report thereon to be laid before each Chamber of the Legislature; and
- (b) cause a copy of the annual statement of accounts to be published in the *Gazette*.

(3) The Bank shall as soon as practicable after the close of business on the fifteenth day and on the last day of each month cause to be made and published in the *Gazette* and transmit to the Minister a statement showing its assets and liabilities at the close of business on that day.



## PART VIII

*General*

43—The Board may with the approval of the Minister make under the seal of the Bank bye-laws for the good order and management of the Bank.

Power to  
make bye-  
laws.

44—The Bank shall be exempt from the payment of income tax.

Exemption  
from in-  
come tax.

45—(1) Except in so far as may be necessary for the due performance of his functions under this Law, every officer and servant of the Bank shall preserve and aid in preserving secrecy with regard to all matters relating to the affairs of any commercial bank, or of any customer of any such bank, that may come to his knowledge in the course of his duties; and any such officer or servant who communicates any such matter to any person other than the Board or an officer of the Bank authorised in that behalf by the Governor or suffers or permits any unauthorised person to have access to any books, papers or other records relating to any commercial bank, or to any customer of any such bank, shall be guilty of an offence and shall be liable on conviction thereof to a fine of two hundred pounds or to imprisonment with or without hard labour for a term not exceeding six months.

Secrecy.

(2) No officer or servant of the Bank shall be required to produce in any court any book or document or to divulge or communicate to any court any matter or thing coming under his notice in the performance of his duties under this Law, except on the direction of the court or in so far as may be necessary for the purpose of carrying into effect the provisions of this Law.

46—Any director, officer or auditor of the Bank who verifies any statement, account or report required to be furnished to the Minister pursuant to this Law, or who is concerned with delivering or transmitting the same to the

Verifying  
false state-  
ment,  
account or  
list.

Minister, knowing the same to be false in a material particular shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand pounds or to imprisonment with or without hard labour for a term not exceeding two years.

Transmitting  
false state-  
ment.

47—Any officer of a commercial bank who transmits or is concerned with transmitting any statement to the Bank pursuant to this Law knowing the same to be false in a material particular shall be guilty of an offence and liable on conviction to a fine not exceeding one thousand pounds or to imprisonment with or without hard labour for a term not exceeding two years.

Trial of  
offences.

48—Every offence under this Law may be tried summarily before a Resident Magistrate so however that the maximum penalty which may be imposed on a person summarily convicted shall be a fine of two hundred pounds or imprisonment with or without hard labour for a term of one year.

Service of  
notice.

49—Every notice under this Law by the Bank may be served by registered post.

Application  
to Cayman  
Islands and  
Turks and  
Caicos  
Islands.

50—Subject to the provisions of section 56 of the Cayman Islands (Constitution) Order in Council, 1959, and of section 56 of the Turks and Caicos Islands (Constitution) Order in Council, 1959, this Law shall apply to the Cayman Islands and to the Turks and Caicos Islands.

## PART IX

### *Transitional Provisions and Repeal*

Transitional.

51—(1) On the commencement of this Law there shall by virtue only of this section be transferred to the Bank the assets (at market value) of the Note Security Fund maintained under the Currency Notes Law, and of the Subsidiary Coinage Security Fund maintained under the Currency, Coinage and Legal Tender Law and the

Cap. 88.

Cap. 87.



liabilities of notes and coins issued under those Laws and thereupon those assets shall vest in and those liabilities shall be enforceable against the Bank.

(2) All currency notes issued under the Currency Notes Law and Jamaica coins within the meaning of the Currency, Coinage and Legal Tender Law which have not been called in or demonetized under either of those Laws shall be deemed for all purposes to be notes and coins issued by the Bank under this Law.

(3) The Bank is hereby empowered to issue as obligations of the Bank any currency notes or coins printed or minted under the authority of the Currency Board and remaining unissued on the commencement of this Law.

52—The Currency, Coinage and Legal Tender Law and the Currency Notes Law are hereby repealed. Repeal.  
Cap. 87, 88.

53—Section 2 of the Forgery Law is hereby amended by inserting in the definition of "currency note" next after the words "Currency Notes Law" the words "or of the Bank of Jamaica Law, 1960". Amendment  
of Forgery  
Law.  
Cap. 135.  
  
Law 32 of  
1960.

#### SCHEDULE

#### (Section 6)

1—The term of office of every director shall be specified in the instrument appointing him and— Tenure of  
office.

(a) for the Governor and Deputy Governor shall not exceed five years;

(b) for every other director shall not exceed three years, but any director retiring on the expiration of his term of office shall, subject to paragraph 2 of this Schedule, be eligible for re-appointment.

2—A person may not be appointed or remain a director who—

(a) is a member of either Chamber of the Legislature;

(b) is a director, officer or employee of any commercial bank. Disqualifica-  
tion of  
directors.

3—The Governor of Jamaica on the recommendation of the Minister may appoint any person who might be appointed a director to act temporarily in the place of any director who is absent or unable to act. Temporary  
appointment.

4—(1) Any director other than the Governor may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the Governor and from the date of the receipt by the Resignation.



Minister of such instrument such director shall cease to be a director of the Bank.

(2) The Governor may at any time resign his office by instrument in writing addressed to the Governor of Jamaica.

Publication  
of member-  
ship.

5—The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Procedure,  
and  
meetings.

6—(1) The Board shall meet as often as they deem necessary or expedient for the due performance of their functions and of the functions of the Bank (but not less frequently than ten times in each year) and such meetings shall be held at such places, on such days and at such times as the Governor determines.

(2) The Governor or, in the event of the absence or inability to act of the Governor, the Deputy Governor, or in the event of the absence or inability to act of both the Governor and the Deputy Governor, a director elected by the directors present shall preside at a meeting of the Board; and the Governor or Deputy Governor or other director so presiding shall where the voting is equal have a casting vote.

(3) The quorum of the Board shall be three directors including the director presiding at the meeting.

(4) The validity of any proceeding of the Board shall not be affected by any vacancy amongst the directors or by any defect in the appointment of a director.

Remunera-  
tion of  
directors.

7—There shall be paid to the Governor and the other directors such remuneration, if any (whether by way of salaries or travelling or other allowances) as the Governor of Jamaica may determine.

No. 33—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

13th June, 1960

A LAW to Amend the Loans to Small Businesses Law, 1956, in order to extend its application to a larger number of businesses and to provide for matters incidental thereto or connected therewith.

[16th June, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Loans to Small Businesses (Amendment) Law, 1960, and shall be read and construed as one with the Loans to Small Businesses Law, 1956 (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.

Law 6  
of 1956.

Amendment  
of principal  
Law.  
Schedule.

2—Sections 2 and 5 of the principal Law are hereby amended in the manner described in the Schedule to this Law.

#### SCHEDULE

(Section 2)

Section 2. By substituting for the definition of "business" the following—

"business" means an enterprise of an industrial, commercial, manufacturing or servicing character;".

Section 5. (a) By deleting from paragraph (d) of subsection (2) of the section the words "Credit Unions" and "Unions" and substituting therefor "Co-operative Societies" and "Societies", respectively;

(b) by adding at the end of subsection (5) of the section the words "or to enable such a trader to acquire or to improve equipment or plant necessary for the purpose of establishing or carrying on his business.".



No. 34—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

13th June, 1960

A LAW to Amend the Trade Law, 1955

[1st August, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Trade (Amendment) Law, 1960, and shall be read and construed as one with the Trade Law, 1955 (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on the 1st day of August, 1960.

Short title,  
construction  
and com-  
mencement.  
Law 4 of  
1955.

2—The Schedule to the principal Law is hereby amended in the respects set out in the Schedule to this Law.

Amendment  
of Schedule  
to principal  
Law.  
Schedule.

## SCHEDULE

(Section 2)

*Amendments of the Schedule to the principal Law*

- (a) Paragraphs 1, 2, 3, 4, 5 and 6 shall be deleted and the following paragraphs shall be substituted therefor:—

Appoint-  
ment of  
members.

1. Subject to the provisions of paragraph 15 of this Schedule the Board shall consist of five persons to be appointed by the Minister being persons appearing to him to have experience of, and to have shown capacity in, matters relating to trade, commerce or industry.

Appoint-  
ment of  
chairman  
and deputy  
chairman.  
Tenure of  
office.

2. The Minister shall appoint a chairman and a deputy chairman from amongst the members of the Board.

3. Subject to the right to resign his office and to the right of the Minister to revoke his appointment at any time, a member of the Board shall hold office for a period not exceeding three years and shall be eligible for re-appointment upon the expiration of his period of office.

Resigna-  
tion.

4. (1) Any member of the Board, other than the chairman or deputy chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Board.

(2) The chairman or deputy chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

Appoint-  
ment of  
temporary  
member.

5. The Minister may appoint any person appearing to him to have the qualifications necessary for appointment under the provisions of paragraph 1 of this Schedule as a member of the Board to act temporarily in the place of a member who is absent or unable to act.

Appoint-  
ment of  
temporary  
chairman  
or deputy  
chairman.

6. The Minister may appoint—

- (a) any member of the Board to act temporarily as chairman of the Board if the chairman is absent or unable to act; and
- (b) any member of the Board to act temporarily as deputy chairman of the Board if the deputy chairman is absent or unable to act.

- (b) The word "four" appearing in sub-paragraph (4) of paragraph 13 shall be deleted and the word "three" shall be substituted therefor.
- (c) Paragraph 17 shall be deleted.





No. 35—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

13th June, 1960

A LAW to Amend the University College Hospital Law.

[The date of any Proclamation issued by the  
Governor bringing the Law into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the University College Hospital (Amendment) Law, 1960, and shall be construed as one with the University College Hospital Law (hereinafter referred to as the principal Law) and shall come into operation on a day to be appointed by the Governor by Proclamation.

Short title,  
construction  
and com-  
mencement.  
Cap. 400.

2—Section 5 of the principal Law is hereby amended in the following respects—

Amendment  
of section 5  
of principal  
Law.

- (a) by the deletion from paragraph (c) of the words "thirty-first" where that word first appears,

“December” and “August” and the substitution therefor of the words “first”, “October” and “March”, respectively;

- (b) by the deletion from paragraph (d) of the word “December” and the substitution therefor of the word “October”.

Amendment  
of section 6  
of principal  
Law.

3—Section 6 of the principal Law is hereby amended—

- (a) by the deletion from paragraph (a) of the word “four” and the substitution therefor of the word “nine”;
- (b) by the insertion immediately after paragraph (b) of the paragraph bearing the letters “(bb)” and set out in the Schedule to this Law.

Repeal and  
replacement  
of section 9  
of principal  
Law.

4—Section 9 of the principal Law is hereby repealed and the section set out in the Schedule to this Law is substituted therefor.

Amendment  
of section 10  
of principal  
Law.

5—Subsection (1) of section 10 of the principal Law is hereby repealed and the subsection set out in the Schedule to this Law is substituted therefor.

Repeal of  
Schedule to  
principal  
Law.  
Transitional  
provisions.

6—The Schedule to the principal Law is hereby repealed.

7—Notwithstanding the provisions of this Law the persons holding office as members of the Board in existence at the commencement of this Law shall continue to hold office until all the members of the Board (as reconstituted by this Law) other than the members to be appointed under paragraphs (b) and (e) of subsection (1) of section 9 (as substituted by this Law) have been elected or appointed; and the said persons shall thereupon cease to hold such office.



SCHEDULE

(Sections 3, 4 and 5)

*New paragraph inserted in section 6 of the principal Law*

- (bb) without prejudice to paragraph (b) of this section—
- (i) to appoint a committee to be known as the Finance and General Purposes Committee composed of a member or members of the Board and such other persons as the Board may think expedient, such committee to have power to regulate its own quorum and procedure, to hold office for such term as the Board shall fix and to appoint sub-committees whose decisions are to be subject to ratification by the committee;
  - (ii) to delegate to the Finance and General Purposes Committee (subject to such conditions or exceptions, if any, as may be specified in the resolution of appointment or any subsequent resolution) the exercise and performance of all or any of the powers and duties of the Board in relation to the management, control and operation of the Hospital;

*Section 9 of the principal Law as substituted by this Law*

Composition  
of Board.

9—(1) The Board shall be composed of a chairman and subject to the provisions of this section sixteen other members consisting of the following—

- (a) two *ex-officio* members who shall be—
  - (i) the Principal of the University College of the West Indies or his nominee; and
  - (ii) the Dean of the Faculty of Medicine of the University College of the West Indies, but if the Dean is not a member of the medical staff of the Hospital, then the Vice-Dean;
- (b) the Chairman of the Medical Committee of the Hospital or such other member of the Committee as may be elected by the Committee and approved by the Board;
- (c) one person (other than a territorial member of the Council of the University College of the West Indies) elected from time to time by the said Council;
- (d) nine persons appointed by the Minister and consisting of the following—
  - (i) two persons nominated by the Government of The West Indies;
  - (ii) one person nominated by the Government of British Guiana;
  - (iii) one person nominated by the Government of British Honduras;

- (iv) the Chief Medical Officer;
  - (v) the Financial Secretary or his nominee;
  - (vi) two persons resident in Jamaica one of whom shall be a registered medical practitioner engaged in private practice; and
  - (vii) one person appointed on the nomination of the Jamaica Branch of the British Medical Association; and
- (e) three persons appointed by the Board (of whom one at least shall be a woman) who shall be representatives of organizations appearing to the Board to be interested in the welfare of patients attending the Hospital or in their after-care.

Law 35 of  
1960.

(2) The three members to be appointed by the Board in accordance with paragraph (e) of subsection (1) of this section shall for the purpose of the first establishment of the Board in accordance with the University College Hospital (Amendment) Law, 1960, be appointed at a special meeting to be held for the purpose by the *ex-officio* members and the other members of the Board who have been elected or appointed in accordance with the provisions of paragraphs (b) to (d) of the said subsection (1); and the three members appointed under this subsection shall be deemed to have been appointed on the date of the appointment of the other members of the Board.

(3) The chairman shall be elected by the Board from amongst their own number or otherwise so, however, that a person shall not be elected as chairman who is the holder of any office of emolument under the Crown in Jamaica or in any other territory of The West Indies or who is or is eligible to be registered as a medical practitioner under any Law for the time being in force in relation to the registration of medical practitioners in Jamaica.

*Subsection (1) of section 10 of the principal Law as substituted by this Law*

Law 35 of  
1960.

10—(1) The chairman shall be elected by the Board at their first meeting held after the coming into operation of the University College Hospital (Amendment) Law, 1960, and, subject to the provisions of this and the next succeeding section, shall hold office until the conclusion of the first meeting of the Board in the year 1963.

At the first meeting of the Board in that year and in every third year thereafter a chairman shall be elected who (subject as aforesaid) shall hold office until the conclusion of the meeting at which a chairman is next elected.

In the foregoing provisions of this subsection the expression "the first meeting" includes any adjournment of such a meeting.

In the event of any vacancy in the office of chairman, a new chairman shall be elected as soon as may be and in any event not later than three months after the occurrence of the vacancy, and shall hold office for the residue of the term of the chairman whom he succeeds.

There may be paid to the chairman such remuneration (if any) as the Minister after consultation with the Minister of Finance may approve.





No. 36--1960

I assent,

[L.S.]

G. C. GUNTER,  
*Acting Governor*

15th June, 1960

A LAW Further to Amend the Pioneer Industries  
(Encouragement) Law.

[31st March, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legislative  
Council and House of Representatives of Jamaica, and by  
the authority of the same, as follows:—

1—This Law may be cited as the Pioneer Industries  
(Encouragement) (Amendment) (No. 2) Law, 1960, and  
shall be read and construed as one with the Pioneer Indus-  
tries (Encouragement) Law (hereinafter referred to as the  
principal Law) and all amendments thereto and shall be  
deemed to have come into operation on the 31st March,  
1960.

Short title,  
construction  
and com-  
mencement.  
Cap. 294.

2—Section 4 of the principal Law is hereby amended by  
deleting from subsection (1) the figures "1960" and sub-  
stituting therefor the figures "1965".

Amendment  
of section  
4 of  
principal  
Law.





No. 37--1960

I assent,

[L.S.]

G. C. GUNTER,

*Acting Governor*

15th June, 1960

A LAW to Amend the Emergency Powers Law.

[17th June, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows :—

1—This Law may be cited as the Emergency Powers (Amendment) Law, 1960, and shall be construed as one with the Emergency Powers Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 111.

2—Section 2 of the principal Law is hereby repealed and the section set forth in the Schedule to this Law is hereby substituted therefor.

Substitution  
of new  
section 2 in  
the principal  
Law.

## SCHEDULE

(Section 2)

*Section 2 of the principal Law substituted therein by section 2 of this Law.*

Proclama-  
tions of  
Emergency.

2—(1) If the Governor in Council is satisfied that a public emergency has arisen as a result of the occurrence of any earthquake, hurricane, flood, fire, outbreak of pestilence, outbreak of infectious disease or other calamity whether similar to the foregoing or not, or that any action has been taken or is immediately threatened by any person or body of persons of such a nature and on so extensive a scale as to be likely to endanger the public safety or to deprive the community, or any substantial portion of the community, of supplies or services essential to life the Governor in Council may by Proclamation (hereinafter referred to as a Proclamation of Emergency) declare that a state of emergency exists.

(2) A Proclamation of Emergency may, if the Governor in Council thinks fit, be made so as to apply only to such area of the Island as may be specified in the Proclamation (in this subsection called "the emergency area") in which case Regulations made under section 3 of this Law shall, except as otherwise expressly provided in such Regulations, have effect only in relation to the emergency area.

(3) The Governor in Council may at any time by Proclamation revoke a Proclamation of Emergency and from the date when such revocation takes effect the Proclamation of Emergency shall cease to be in force except as respects things previously done or omitted to be done.

(4) A Proclamation of Emergency shall not be in force for more than one month, without prejudice to the issue of another Proclamation at or before the end of that period.

(5) Where a Proclamation of Emergency has been made the occasion thereof shall forthwith be communicated to the House of Representatives, and, if the House of Representatives is then separated by such adjournment or prorogation as will not expire within five days, a Proclamation shall be issued for the meeting of the House of Representatives within five days and the House of Representatives shall accordingly meet and sit upon the day appointed by that Proclamation.

No. 38—1960

I assent,

[L.S.]

G. C. GUNTER,  
*Acting Governor*

15th June, 1960

A LAW to Amend the Holidays (Public General) Law.

[17th June, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Holidays (Public General) (Amendment) Law, 1960, and shall be read and construed as one with the Holidays (Public General) Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 148.

2—The principal Law is hereby amended by adding next after section 13 the following section—

Addition of  
new section  
14 to  
principal  
Law.

" Power to  
amend  
Schedule.

14—(1) The Governor in Council may by Order amend the Schedule to this Law or substitute a new Schedule therefor.



(2) Every Order made under this section shall be published in the *Gazette* at least seven days before the coming into operation of such Order.

(3) Every Order made under this section shall be laid as soon as may be after the making thereof before the House of Representatives and if the House of Representatives within twenty-one days of the day on which such Order is laid as aforesaid resolves that the Order be annulled, the Order shall thereupon cease to have effect, but without prejudice to anything previously done thereunder or to the making of a new Order.

In reckoning any such period of twenty-one days as aforesaid, no account shall be taken of any time during which the House of Representatives is dissolved or prorogued or during which the House is adjourned for more than four days.”.

Amendment  
of Schedule  
to principal  
Law.

3—The Schedule to the principal Law is hereby amended by deleting item 8 and substituting therefor the following—

“8. The 23rd day of May (or in case the 23rd day of May falls on Saturday or Sunday, then the following Monday) which shall be known as “National Labour Day”.”.

No. 39—1960

I assent,

[L.S.]

G. C. GUNTER,

*Acting Governor*

18th June, 1960

A LAW to Amend the Electricity (Frequency Conversion)  
Law, 1957.

[20th June, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legislative  
Council and House of Representatives of Jamaica, and  
by the authority of the same, as follows:—

1—This Law may be cited as the Electricity (Frequency Conversion) (Amendment) Law, 1960, and shall be read and construed as one with the Electricity (Frequency Conversion) Law, 1957, hereinafter referred to as the principal Law.

Short title  
and con-  
struction.  
Law 3 of  
1957.

2—The principal Law is hereby amended in the respects specified in the Schedule to this Law.

Amendment  
of princi-  
pal Law.

## SCHEDULE

1. The definition of "cost of conversion" appearing in section 2 of the principal Law shall be deleted and the following substituted therefor—

"cost of conversion" means—

- (a) the cost of altering or replacing the electrical apparatus of the undertaker and the consumers in the area affected by a scheme; and
- (b) any other expenditure reasonably and necessarily caused by, or incurred in connection with, the altering or replacing of such electrical apparatus as aforesaid or the financing of the conversion and determined by the Minister to be an item of expenditure which may be included in the cost of conversion;"

2. There shall be added to section 4 of the principal Law next after subsection (8) the following as subsection (9)—

" (9) The Minister may by notice published in the *Gazette* vary any scheme approved pursuant to this section."

3. In section 9 of the principal Law there shall be added—

(i) at the end of subsection (3) the words—

"and may accordingly be recovered—

- (a) in any case where the expenditure results in permanent improvement to electrical apparatus belonging to a consumer, from the consumer by the undertaker; or
- (b) where the scheme is carried into effect by the Commission, from the consumer or undertaker as the case may be, by the Commission,

as a civil debt by him or them as the case may be."; and

(ii) next after subsection (5) the following as subsection (6)—

" (6) The Commission shall, by such means as it considers expedient, ensure that any item of expenditure which pursuant to this Law is not to be charged against the cost of conversion is not so charged; and the powers vested in the Commission by subsection (5) of this section shall not be prejudiced or affected by the fact that the Commission or any person acting on behalf of the Commission negotiates with an undertaker or consumer or does any other thing in pursuance of this subsection".

4. Subsection (2) of section 10 of the principal Law shall be deleted and the following substituted therefor—

" (2) An order under subsection (1) of this section—

- (a) may be made at any time after approval of the scheme to which the order relates and



the surcharge may be made to have effect forthwith;

- (b) may be based on the estimated cost of conversion set out in such scheme as aforesaid; and
- (c) may be varied by another order made pursuant to subsection (1) aforesaid by the Governor in Council and approved by a resolution of the House of Representatives, so, however, that no variation shall have the effect of extending the period which might have already been prescribed for the recovery of the cost of conversion."



No. 40—1960

I assent,

[L.S.]

G. C. GUNTER,  
*Acting Governor*

2nd July, 1960

A LAW to Amend the Criminal Justice (Administration) Law.

[7th July, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Criminal Justice (Administration) (Amendment) Law, 1960, and shall be read and construed as one with the Criminal Justice (Administration) Law, hereinafter referred to as the principal Law.

Short title  
and construction.  
Cap. 83.

2—The principal Law is hereby amended by inserting therein next after section 23 the following sections as sections 23A, 23B and 23C respectively—

Insertion of  
new sections  
23A, 23B  
and 23C in  
principal  
Law.

" Discharge  
of criminal  
lunatics.

23A—(1) The Minister may by warrant discharge any criminal lunatic conditionally,



that is to say, on such conditions as to the duration of such discharge and otherwise as the Minister may think fit.

(2) Where pursuant to this section a criminal lunatic has been discharged conditionally—

- (a) a report of his condition shall be made to the Minister by such person at such times and containing such particulars as may be required by the warrant of discharge; and
- (b) if any of the conditions of such discharge appear to the Minister to be broken or the conditional discharge is revoked the Minister may by warrant direct him to be taken into custody and to be conveyed to the place in which he was detained prior to such discharge; and he may thereupon be taken as if he had escaped from such place and shall be received and detained therein and shall thereupon revert to his former custody therein.

(3) The Minister shall consult with the Advisory Committee in the performance of his functions under this section but shall not be obliged to act in accordance with their advice.

(4) In this section, and in sections 23B and 23C of this Law—

“Advisory Committee” means the Advisory Committee constituted under section 23B of this Law;

“criminal lunatic” means any person with regard to whom a special verdict is returned under subsection (2) of section 23 of this Law.

Establishment and functions of Advisory Committee.

23B—(1) There shall be an Advisory Committee which shall consist of the Attorney General as an *ex officio* member and four other members to be appointed by the Minister, of whom one shall be a member of the Privy Council who is not a public officer and two shall be registered medical practitioners.

(2) The Minister may appoint any person to act temporarily in the place of any member of the Committee in the case of the absence or inability to act of such member:

Provided that the person appointed to act shall where the member absent or unable to act is—

- (a) the Attorney General, be a person nominated by the Attorney General;
- (b) a member of the Privy Council, be another member of the Privy Council who is not a public officer;
- (c) a registered medical practitioner, be another registered medical practitioner.

(3) The Minister shall appoint one of the members of the Committee to be the chairman thereof. In the case of the

absence or inability to act at any meeting of the chairman, members of the Committee present at such meeting shall elect one of their number to act as chairman at that meeting.

(4) The appointment of every member of the Committee other than the *ex officio* member shall be evidenced by an instrument in writing, and such instrument shall state the period of office of the member which shall not exceed three years. Every member of the Committee shall be eligible for re-appointment.

(5) Any member of the Committee, other than the chairman and the *ex officio* member, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Committee. The chairman, if he is not the *ex officio* member, may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

(6) The names of all members of the Committee as first constituted and every change in the membership thereof shall be published in the *Gazette*.

(7) Subject to the provisions of this section the Committee may regulate its own proceedings.



(8) It shall be the duty of the Committee to advise the Minister in the performance of his functions under section 23A of this Law.

Making and  
execution of  
warrant.

23c—(1) A warrant of the Minister under section 23A of this Law shall be under the hand of the Minister.

(2) It shall be the duty of every constable to aid in the execution of every warrant of the Minister under section 23A of this Law, and any such warrant—

- (a) may be executed by the person to whom it is addressed, or by any constable; and
- (b) when it relates to a person not in custody may be executed as if it were a warrant for the arrest of a person charged with an offence.”.



# No. 41--1960

I assent,

[L.S.]

G. C. GUNTER,

*Acting Governor*

12th July, 1960

A LAW to Amend the Rent Restriction Law.

[14th July, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Rent Restriction (Amendment) Law, 1960, and shall be read and construed as one with the Rent Restriction Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 341.

2—The principal Law is hereby amended by inserting therein next after section 3 the following section as section 3A—

Insertion of  
new section  
3A in princi-  
pal Law.

“Effect of  
agreement  
for in-  
creased  
rent of  
public and  
commercial  
buildings.

3A—(1) Where the landlord of a public or commercial building has given a notice to the tenant under subsection (1) of section 18A of this Law he may in lieu of terminating the tenancy by agreement with the



tenant vary the terms of the existing tenancy agreement by providing for the payment from the date of the agreement of a rent which exceeds the standard rent of the premises and such variation shall for the purpose of paragraph (e) of the proviso to subsection (1) of section 3 of this Law be deemed to be a tenancy agreement entered into on the date of such variation.

(2) An agreement under subsection (1) of this section shall not render recoverable by a landlord any rent or sum which, before that agreement, was not recoverable by such landlord, or affect the right of a landlord to recover any arrears of rent which, before that agreement, were recoverable by such landlord, or affect the right of a tenant to recover any rent or sum which, before that agreement, was recoverable by such tenant, or prevent or affect the prosecution, conviction or punishment of any person for anything done or omitted before that agreement.”.

Amendment  
of section 18  
of principal  
Law.

3—Section 18 of the principal Law is hereby amended by deleting the word “No” at the beginning of the subsection and substituting therefor the words “Subject to section 18A of this Law, no”.

Insertion of  
new section  
18A in prin-  
cipal Law.

4—The principal Law is hereby amended by inserting next after section 18 the following section as section 18A—

“Termination  
of tenancy  
of public  
and  
commercial  
buildings.

18A—(1) Subject to the provisions of this section, the landlord of any public or commercial building may terminate the tenancy by notice in writing given to the tenant specifying the date at which the tenancy is to come to an end (hereinafter referred to as “the date of termination”).

(2) A notice under subsection (1) of this section shall not have effect for the purposes of this Law unless it is given—

- (a) not less than twelve months before the date of termination specified therein; and
- (b) in the case of premises leased to the tenant for a fixed term of years, not more than twelve months before the date of expiration of the lease.

(3) The tenant may not more than nine months after the giving of the notice to quit—

- (a) give notice in writing to the landlord of his intention to remain on the premises after the date of termination; and
- (b) apply to the Court for an order substituting for the date of termination a new date at which the tenancy is to come to an end (hereinafter referred to as “the substituted date of termination”).

(4) An application under subsection (3) of this section shall be made by way of complaint upon oath before a Justice of the Peace and thereupon a summons shall issue to the landlord returnable before the Resident Magistrate for the parish in which the premises or part thereof are situated.

(5) An application under subsection (3) of this section shall be dealt with summarily.

(6) An order granting an application under subsection (3) of this section—

- (a) shall fix a substituted date of

termination which shall not be more than twelve months later than the date of termination;

- (b) shall operate for all purposes as an order for the recovery of possession of the premises concerned on the substituted date of termination;
- (c) may be made upon such terms and conditions and may include such order as to costs as the Court thinks fit.

(7) An order under subsection (6) of this section shall not be made unless—

- (a) a notice under paragraph (a) of subsection (3) of this section has been given to the landlord;
- (b) the Court considers it reasonable to make the order; and
- (c) the Court is satisfied that having regard to all the circumstances of the case, less hardship would be caused by the making of the order than by refusing to make it.

(8) In refusing to make an order under subsection (6) of this section the Court may make such order as to costs as it thinks fit.

(9) At the expiration of a notice by a landlord in accordance with the provisions of this section this Law shall cease to apply to the premises in respect of which the notice was given unless the tenant has given notice to the landlord and applied to the Court in accordance with the provisions of this section.”.



No. 42—1960

I assent,

[L.S.]

G. C. GUNTER,

*Acting Governor*

26th July, 1960.

A LAW to provide for the trial of certain offences under the Jamaica Railway Corporation Law, 1960, and for related matters.

[28th July, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Railway Offences (Trial) Law, 1960, and shall be construed as one with the Jamaica Railway Corporation Law, 1960.

Short title  
and con-  
struction.  
Law 1 of  
1960.

2—Immediately after section 73 of the Jamaica Railway Corporation Law, 1960, there is hereby inserted as section 73A the following section—

Trial of  
certain  
offences  
under  
Jamaica  
Railway  
Corporation  
Law, 1960.

" Trial of  
offences.

73A—(1) An offence under section 70 of this Law may be tried either on indictment

before a Circuit Court or summarily before a Resident Magistrate; and in respect of any such offence a Resident Magistrate shall not award a sentence of more than one year's imprisonment, with or without hard labour, and a fine of fifty pounds.

(2) Any offence under section 71, section 72 or section 73 of this Law is triable summarily before a Resident Magistrate.''.

No. 43—1960

I assent,

[L.S.]

G. C. GUNTER,

*Acting Governor*

26th July, 1960.

A LAW to Amend the Mining Law.

[28th July, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Mining (Amendment) Law, 1960, and shall be read and construed as one with the Mining Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 253.

2—Section 2 of the principal Law is hereby amended by inserting therein next after the definition of "buy" the following definition—

Amendment  
of section 2  
of principal  
Law.

" "co-ordinate squares" means co-ordinate squares on the 1/50,000 topographical map of Jamaica



printed in sheets identified under the hand of the Minister of Development and deposited with the Commissioner of Mines and at the Record Office on the 26th day of May, 1960;”.

Insertion of new sections 45A and 45B in principal Law. Schedule.

3—The principal Law is hereby amended by the insertion therein next after section 45 as sections 45A and 45B, respectively, of the sections set forth in the Schedule to this Law.

Construction of references to Governor in Council.

4—(1) Subject to the provisions of this section all references in the principal Law, or in any regulations or other instruments made thereunder, to the “Governor”, the “Governor in Council” or “the Governor in Executive Council” shall be construed as references to the “Minister”.

(2) Section 14 of the principal Law shall be amended by deleting the words “by the Governor in Council” wherever they appear in the section and substituting therefor the words “by the Government”.

(3) Subsection (1) of this section shall not apply to sections 5 and 80 of the principal Law.

Amendment of section 81 of the principal Law.

5—Section 81 of the principal Law is hereby amended by deleting therefrom the words “Director of Public Works” and substituting therefor “Minister of Communications and Works”.

## SCHEDULE

(Section 3)

### *Addition of new sections to principal Law*

“Special mining lease for bauxite or laterite.

45A—(1) Notwithstanding anything in this Law the Minister may grant a special mining lease of any lands for the purpose of mining bauxite or laterite if he is satisfied that all such lands (whether or not they are contiguous)—

- (a) are held by the applicant under title in fee simple registered in accordance with the Registration of Titles Law; and

Cap. 340.

- (b) are so located that they would appear within such number of contiguous co-ordinate squares as the Minister in relation to each application, may consider appropriate.

(2) In any special mining lease granted pursuant to this section the lands included may, in lieu of any other mode of description, be described by reference to the volume and folio and the description of such lands in the Register Book kept under the Registration of Titles Law.

(3) A special mining lease granted pursuant to this section shall be published by the Commissioner in the *Gazette* and (save as otherwise provided in this section, in section 45B of this Law or in any condition in such special mining lease) shall be subject in all respects to the provisions of this Law applicable to mining leases.

45B—(1) On the application of the lessee, the Minister, subject to such conditions (which may include the payment of any financial consideration) as he thinks fit, may, by instrument in writing, modify or amend a special mining lease granted pursuant to section 45A of this Law by adding thereto lands which fulfil the requirements of paragraphs (a) and (b) of subsection (1) of section 45A of this Law but did not do so when application for the special mining lease aforesaid was made.

(2) The modification or amendment of a special mining lease by the addition of lands pursuant to this section shall not affect the duration of the special mining lease as originally determined but all such lands shall be subject to the covenants and conditions contained in such special mining lease.

(3) Any addition to a special mining lease pursuant to this section shall be published by the Commissioner in the *Gazette* and shall be registered in accordance with the provisions of Part VII of this Law and for this purpose the instrument in writing issued by the Minister pursuant to subsection (1) of this section shall be deemed to be an instrument creating an interest in a mining lease."

Cap. 340.

Power of  
Minister to  
approve  
additions to  
area of  
special  
mining  
lease for  
bauxite or  
laterite.





No. 44—1960

I assent,

[L.S.]

G. C. GUNTER,

*Acting Governor*

30th July, 1960

A LAW to facilitate the establishment of the Bank of Jamaica by bringing different provisions of the Bank of Jamaica Law, 1960, into force at different times.

[4th August, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Bank of Jamaica Short title.  
(Establishment) Law, 1960.

2—For the purpose of facilitating the establishment of the Bank of Jamaica the Governor of Jamaica may notwithstanding section 1 of the Bank of Jamaica Law, 1960, by Proclamation appoint different days for the coming into operation of different provisions of the Bank of Jamaica Law, 1960, and different days may be so

Commence-  
ment of  
Bank of  
Jamaica  
Law, 1960.  
Law 32 of  
1960.

appointed for different purposes of any such provisions, and such provisions shall come into operation accordingly.

**Expenditure.**

3—Any expenditure incurred in respect of the establishment of the Bank of Jamaica shall be charged on the authorised capital of that Bank, and that capital shall be paid to the Bank forthwith upon the establishment thereof.

No. 45—1960

I assent,

[L.S.]

G. C. GUNTER,  
*Acting Governor*

30th July, 1960

A LAW to Amend the Interpretation Law and to repeal  
the Statutory Instruments Law, 1958.

[4th August, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legislative  
Council and House of Representatives of Jamaica, and by  
the authority of the same, as follows :—

1—This Law may be cited as the Interpretation (Amend-  
ment) Law, 1960, and shall be read and construed as one  
with the Interpretation Law (hereinafter referred to as the  
principal Law) and all amendments thereto.

Short title  
and construc-  
tion.  
Cap. 165.

2—The expression "regulations" as defined in section 3 of  
the principal Law shall include schemes made under or by  
virtue of a Law, and accordingly that definition shall have  
effect in the form set forth in the first Part of the Schedule  
to this Law.

Amendment  
of definition  
of "regula-  
tions".



Corresponding meanings of parts of speech, etc.

3—At the end of section 12 of the principal Law there shall be added as subsection (3) the subsection set forth in the second Part of the Schedule to this Law.

References in Laws.

4—Immediately after section 19 of the principal Law there shall be inserted as section 19A the section set forth in the third Part of the Schedule to this Law.

Definitions for legislative purposes

5—Immediately after section 26 of the principal Law there shall be inserted as section 26A the section set forth in the fourth Part of the Schedule to this Law.

Repeal. Law 38 of 1958.

6—The Statutory Instruments Law, 1958, is hereby repealed.

## SCHEDULE

### PART I—AMENDED DEFINITION OF "REGULATION":

"regulations" includes rules, bye-laws, proclamations, orders, schemes, notifications, directions, notices and forms;

### PART II—SUBSECTION (3) ADDED TO SECTION 12:

(3) Where a word is defined in a Law or any regulations, other parts of speech and grammatical variations of that word, and cognate expressions, shall have corresponding meanings in that Law or those regulations.

### PART III—NEW SECTION 19A:

References in Laws.

19A—(1) A reference in a Law by number or letter to a Part, section, subsection, paragraph, sub-paragraph or other division of another Law or enactment shall be construed as a reference to such Part, section, subsection, paragraph, sub-paragraph or other division of such other Law or enactment as printed by authority of law.

(2) Where in a Law reference is made to a Part, division, section, schedule or form without anything in the context to indicate that a reference to a Part, division, section, schedule or form of some other Law is intended, the reference shall be construed as a reference to a Part, division, section, schedule or form of the Law in which the reference is made.

(3) Where in a section of a Law reference is made to a subsection, paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a subsection, paragraph, sub-paragraph or other division of some other section or provision is intended, the reference shall be construed as a reference to a subsection, paragraph, sub-paragraph or other division of the section in which the reference is made.

(4) Where in a schedule or Part of a schedule to a Law reference is made to a paragraph, sub-paragraph or other division without anything in the context to indicate that a reference to a paragraph, sub-paragraph or other division of some other provision is intended, the reference shall be construed as a reference to the paragraph, sub-paragraph or other division of the schedule or the Part of the schedule in which the reference is made.

(5) Where in a Law reference is made to any regulations, without anything in the context to indicate that a reference to regulations made under some other Law is intended, the reference shall be construed as a reference to regulations made under the Law in which the reference occurs.

PART IV—NEW SECTION 26A:

26A—(1) In this section the expression “statutory period” means in relation to any regulations a period of twenty-one days beginning on the day on which the regulations were laid before the Legislative Council or the House of Representatives (as the case may require) and reckoned without regard to—

Definitions  
for legisla-  
tive purposes

- (a) any period during which the Legislature is dissolved or prorogued;
- (b) any period during which the Chamber is adjourned—
  - (i) as respects the Legislative Council, for more than six days;
  - (ii) as respects the House of Representatives, for more than four days;
- (c) whether the days are comprised—
  - (i) in one or more than one Session of the Legislature;
  - (ii) partly in a Session of a Legislature which is dissolved and partly in a Session of the succeeding Legislature.

(2) The expression “subject to affirmative resolution” when used in relation to any regulations shall mean that those regulations are not to come into operation unless and until affirmed by a resolution of each Chamber.

(3) The expression “subject to affirmative resolution of the House of Representatives” when used in relation to regulations shall mean that those regulations are not to come into operation unless and until affirmed by a resolution of that Chamber.

(4) The expression “subject to negative resolution” when used in relation to any regulations shall mean that those regulations, as soon as may be after they are made, are to be laid before each Chamber, and if either Chamber, within the statutory period next after any such regulations have been so laid, resolves that the regulations be annulled, the regulations shall be void as from the date of the resolution, but without prejudice to the validity of anything done thereunder or to the making of new regulations.

(5) The expression "subject to negative resolution of the House of Representatives" when used in relation to any regulations shall mean that those regulations as soon as may be after they are made, are to be laid before that Chamber, and if that Chamber, within the statutory period next after any such regulations have been so laid, resolves that the regulations be annulled, the regulations shall be void as from the date of the resolution, but without prejudice to the validity of anything done thereunder or to the making of new regulations.



No. 46—1960

I assent,

[L.S.]

G. C. GUNTER,  
*Acting Governor*

13th August, 1960

A LAW to Repeal the Cayman Islands Commissioner's  
Law.

[18th August, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legislative  
Council and House of Representatives of Jamaica, and by  
the authority of the same, as follows:—

1—This Law may be cited as the Cayman Islands Com- Short title.  
missioner's (Repeal) Law, 1960.

2—The Cayman Islands Commissioner's Law is hereby Repeal.  
repealed. Cap. 423.



No. 47—1960

I assent,

[L.S.]

G. C. GUNTER,  
*Acting Governor*

13th August, 1960

A LAW to Amend the Cayman Islands Government Law.

[18th August, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Cayman Islands Government (Amendment) Law, 1960, and shall be read and construed as one with the Cayman Islands Government Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.

Cap. 425.

2—Section 3 of the principal Law is hereby repealed.

Repeal of  
section 3 of  
principal  
Law.





No. 48—1960

I assent,

[L.S.]

G. C. GUNTER,  
*Acting Governor*

13th August, 1960

A LAW to Amend the Cinematograph Law.

[The date of any Proclamation issued by the]  
Governor bringing the Law into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legislative  
Council and House of Representatives of Jamaica, and by  
the authority of the same, as follows:—

1—This Law may be cited as the Cinematograph  
(Amendment) Law, 1960, and shall be read and construed  
as one with the Cinematograph Law (hereinafter referred  
to as the principal Law) and shall come into operation on  
a day to be appointed by the Governor by Proclamation.

Short title,  
construction  
and com-  
mencement  
Cap. 56.

2—Section 2 of the principal Law is hereby amended  
by deleting the definition of "the Authority" and sub-  
stituting therefor the following—

Amendment  
of section 2  
of princi-  
pal Law.

" "the Authority" means the Authority constituted  
under section 2A of this Law;".

Insertion of  
new section  
2A in prin-  
cipal Law.

3—The principal Law is hereby amended by inserting therein next after section 2 the following as section 2A—

“Establish-  
ment of  
Cinematog-  
raph  
Authority.

2A—(1) There is hereby constituted a body to be called the Cinematograph Authority.

(2) The provisions of the Schedule to this Law shall have effect as to the constitution, operation and expenses of the Authority and otherwise in relation thereto.”

Addition of  
schedule to  
principal  
Law.  
First  
Schedule.

4—The principal Law is hereby amended by adding as a schedule thereto next after section 13 the First Schedule to this Law.

Minor  
amendments  
to prin-  
cipal Law.  
Second  
Schedule.

5—The amendments specified in the second column of the Second Schedule to this Law shall be made in the sections of the principal Law specified in the first column of the said Schedule.

#### FIRST SCHEDULE

(Section 4)

“

#### SCHEDULE

(Section 2A)

Appointment  
of members.

1. The Authority shall consist of five persons to be appointed by the Minister.

Temporary  
appointment.

2. The Minister may appoint any person to act temporarily in the place of any member of the Authority in the case of the absence or inability to act of such member.

Chairman.

3. (1) The Minister shall appoint one of the members of the Authority to be the chairman thereof.

(2) The Minister shall appoint one of the members of the Authority to be the deputy chairman thereof.

(3) In the case of the absence or inability to act of the chairman the deputy chairman shall exercise the functions of the chairman.

(4) In the case of the absence or inability to act at any meeting of both the chairman and the deputy chairman the remaining members of the Authority shall elect one of their number to act as chairman at that meeting.

Tenure of  
office.

4. (1) A member of the Authority shall, subject to the provisions of this Schedule, hold office for a period not exceeding three years.



(2) Nothing in this paragraph shall preclude the re-appointment of a member.

(3) The Minister may at any time revoke the appointment of any member of the Authority.

5. (1) Any member of the Authority other than the chairman may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman and from the date of the receipt by the Minister of such instrument such member shall cease to be a member of the Authority. Resignation.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt of such instrument by the Minister.

6. The names of all members of the Authority as first constituted and every change in the membership thereof shall be published in the *Gazette*. Publication of membership.

7. All documents made by and all decisions of the Authority may be signified under the hand of the chairman or any member authorised to act in that behalf. Authentication of documents.

8. (1) The Authority shall meet at such times as may be necessary or expedient for the transaction of business and such meetings shall be held at such places and times and on such days as the Authority shall determine. Procedure and meetings.

(2) The chairman or in the absence or inability to act of the chairman the deputy chairman or the person elected to act as chairman in accordance with the provisions of sub-paragraph (4) of paragraph 3 of this Schedule shall preside at the meetings of the Authority and when so presiding the chairman, deputy chairman or the person elected as aforesaid to act as chairman, as the case may be, shall have an original and a casting vote.

(3) The quorum of the Authority shall be three including the chairman or the deputy chairman or the person elected to act as chairman as aforesaid.

(4) Subject to the provisions of this Schedule, the Authority may regulate its own proceedings.

(5) The validity of any proceeding of the Authority shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof

9. There shall be paid to the chairman and other members of the Authority out of sums provided by the Legislature such remuneration, if any (whether by way of salaries or travelling or other allowances) as the Minister may determine. Remuneration of members.

10. The funds of the Authority shall consist of such moneys as may from time to time be placed at its disposition for the purposes of this Law by the Legislature and such other moneys as may lawfully be paid to the Authority. Funds of the Authority.

the parent hotel and the area of land within which the cottages or apartment-houses are intended to be constructed;

- (c) contain such other information and be accompanied by such other documents as may be prescribed;
- (d) be made on or before the thirty-first day of December, 1961.

(5) The Collector General shall not grant a subsidiary licence unless he is satisfied—

- (a) that such arrangements exists as will ensure that the cottages or apartment-houses in respect of which an application for such subsidiary licence is made will be available to the proprietor of the parent hotel at the times and for the purposes specified in subsection (5) of section 9c of this Law;
- (b) that the hotel proposed to be the parent hotel contains or, in the case of an application for the grant of a subsidiary licence in conjunction with a licence in respect of the construction of a hotel or an extension to a hotel, will contain, at least one dining room and one sitting room, and that such dining room and sitting room and any amenities and facilities for recreational pursuits provided within the precinct of such hotel will be

available for the use of all persons occupying the cottages or apartment-houses as well as for the use of guests of the hotel; and

- (c) that by reason of the distance, nature of terrain and means of communication between each of the cottages or apartment-houses and the hotel proposed to be the parent hotel, all persons occupying the cottages or apartment-houses will have easy access to the hotel.

(6) Where the Collector General refuses to grant a subsidiary licence pursuant only to paragraph (b) or (c) of subsection (5), the person by whom or on whose behalf the application is made for such subsidiary licence may appeal to the Minister who may, if he thinks fit, direct the Collector General to grant such subsidiary licence.

Consequences  
of subsidiary  
licences.

9c—(1) The provisions of sections 5, 6, 7, 8, 9 and 10 of this Law shall apply in relation to a subsidiary licence as they apply in relation to a licence, save that in the case of a subsidiary licence references in those sections—

- (a) to a licensee shall be construed as references to the person on whose behalf such subsidiary licence was granted; and
- (b) to the hotel shall be construed as references to the cottages or apartment-houses within the area of



land defined in such subsidiary licence.

(2) The owner of every cottage or apartment-house constructed with building materials imported under a subsidiary licence shall, upon completion of construction of such cottage or apartment-house or of any unit of such apartment-house, submit to the Collector General a report setting out the date of completion of construction of such cottage, apartment-house or unit, and where the Collector General is satisfied that such date should be accepted, he shall accept such date as the date of completion of construction of such cottage, apartment-house or unit.

(3) Where a subsidiary licence is granted in conjunction with a licence in respect of the construction of a hotel or an extension to a hotel the licensee shall, upon the completion of such construction of a hotel or extension to a hotel, submit to the Collector General a report setting out the date of completion of such construction of a hotel or extension to a hotel, and where the Collector General is satisfied that such date should be accepted, he shall accept such date as the date of completion of such construction of a hotel or extension to a hotel.

(4) Where the Collector General is satisfied—

- (a) that the owner of any cottage or apartment-house within the area of land defined in a subsidiary licence has failed to comply with the requirements of subsection (2) of this section;

- (b) that any licensee has failed to comply with the requirements of subsection (3) of this section; or
- (c) that the date of completion of construction of any cottage, apartment-house or unit of an apartment-house, or any hotel or extension to a hotel is not the date set out in any report submitted to him under subsection (2) or (3) of this section,

the Collector General may, by notice in writing addressed to such owner or licensee, as the case may require, declare such date as may seem fit to the Collector General to be the date of completion of construction of such cottage, apartment-house or unit, or of such hotel or extension to a hotel.

(5) The owner of every cottage or apartment-house within the area of land defined in a subsidiary licence shall so arrange for the occupation or use thereof during the period of restricted use that such cottage, apartment-house or unit, as the case may be, will be continuously available to the proprietor of the parent hotel for the accommodation of guests for reward during at least one-half the portion of each year in the period of restricted use during which the parent hotel provides accommodation for guests for reward.

(6) The owner of every cottage or apartment-house within the area of land defined in a subsidiary licence shall submit to the Collector General not later than the

thirty-first day of January in the year next after the commencement of the period of restricted use and not later than the thirty-first day of January in each of the next succeeding four years, a return showing, in respect of the year ending on the thirty-first day of December last preceding, the period during which such cottage, apartment-house or unit was—

- (a) available to the proprietor of the parent hotel for the accommodation of guests for reward;
- (b) used by the proprietor of the parent hotel for the accommodation of guests for reward; and
- (c) used in any manner other than the manner described in paragraph (b) of this subsection.

(7) At the times and in respect of the years specified in subsection (6) of this section for the making of returns by the owners of cottages or apartment-houses within the area of land defined in a subsidiary licence, the proprietor of the parent hotel shall submit to the Collector General returns showing—

- (a) the periods during which the parent hotel provided accommodation for guests for reward;
- (b) the periods during which each such cottage or apartment-house or any unit of such apartment-house was available to him for the accommodation of guests for reward;  
**and**



- (c) the periods during which each such cottage or apartment-house or any unit of such apartment-house was used by him for the accommodation of guests for reward.

(8) In this section and in section 9D of this Law the expression "the period of restricted use" means, in relation to each cottage, apartment-house or unit of an apartment-house within the area of land defined in any subsidiary licence, the period of five years commencing on the first day of January next after the date of completion of construction of such cottage, apartment-house or unit:

Provided that where such subsidiary licence is granted in conjunction with a licence in respect of the construction of the parent hotel or an extension to the parent hotel and the date of completion of construction of such cottage, apartment-house or unit is earlier than the date of completion of construction of the parent hotel or such extension thereto, the period of restricted use shall commence on the first day of January next after the date of completion of construction of the parent hotel or such extension thereto.

When and  
by whom  
customs  
duties and  
tonnage tax  
are payable.

9D—(1) The full amount of customs duties and tonnage tax which, but for this Law, would have been payable upon the importation into this Island of the building materials or articles of hotel equipment which the Collector General is satisfied were used in the construction or equipment of any cottage or apartment-house within

the area of land defined in a subsidiary licence shall be paid to the Collector General by the person on whose behalf such subsidiary licence was granted—

- (a) if the owner of such cottage or apartment-house fails to comply with the requirements of subsection (5) or (6) of section 9c of this Law;
- (b) if such cottage or apartment-house, having been made available to the proprietor of the parent hotel for the accommodation of guests for reward under arrangements made in compliance with the requirements of this Law, is used for any other purpose;
- (c) if at any time within the period of restricted use the proprietor of the parent hotel without reasonable cause or excuse prevents any person occupying such cottage or apartment-house from using any dining room or sitting room or any amenities or facilities for recreational pursuits provided within the precinct of the parent hotel for the use of guests of such hotel; or
- (d) if the subsidiary licence relating to such cottage or apartment-house was granted in conjunction with a licence in respect of the construction of the parent hotel or an extension thereto and such hotel or extension is not completed within two years after construction of

such cottage or apartment-house is completed.

(2) Where any person on whose behalf a subsidiary licence was granted is liable, pursuant to subsection (1) of this section, to pay customs duties and tonnage tax but for any reason (whether by reason of the bankruptcy of such person or the winding up of a company or the dissolution of a partnership) the Collector General is unable to recover the full amount of such customs duties and tonnage tax from such person, then so much of such customs duties and tonnage tax as the Collector General was unable to recover shall be paid by the proprietor of the parent hotel, unless such proprietor is himself the person on whose behalf such subsidiary licence was granted.

(3) Where the proprietor of the parent hotel is a company or partnership which ceases to be the proprietor of the parent hotel and is wound up or dissolved before its liability to pay customs duties and tonnage tax under subsection (2) of this section arises, then so much of such customs duties and tonnage tax as the Collector General was unable to recover shall be paid by the owner of the cottage or apartment-house in respect of which the failure or misuse described in subsection (1) of this section occurred unless such owner is himself the person on whose behalf such subsidiary licence was granted.

9E—Any sum which may be payable to the Collector General under the provisions of section 9A or 9D of this Law may be

Recovery  
of customs  
duties and  
tonnage tax.



recovered by the Collector General as a civil debt in the Resident Magistrate's Court for the parish of Kingston."

Amendment  
of section 10  
of principal  
Law.

5—Section 10 of the principal Law is hereby amended by deleting the word "licensee" and substituting therefor the word "person".

Amendment  
of section  
11 of prin-  
cipal Law.

6—Section 11 of the principal Law is hereby amended in the following respects—

- (a) by deleting from paragraph (a) of subsection (2) the words "under section 3 of this Law;" and inserting instead the words "or a subsidiary licence;"; and
- (b) by deleting from paragraph (b) of subsection (2) the words "may be granted under section 3 of this Law;" and inserting instead the words "or subsidiary licence may be granted;".

No. 53—1960

I assent,

[L.S.]

G. C. GUNTER,  
*Acting Governor*

13th August, 1960

A LAW to provide for the ascertainment by means of a referendum of the opinion of the people of Jamaica with respect to the continued participation of Jamaica in the Federation of the West Indies.

[18th August, 1960]

WHEREAS under the Jamaica (Constitution) Order in Council, 1959, the first general election of members to serve in the House of Representatives was duly held in the month of July, 1959:

AND WHEREAS at that election it was not an issue, whether or not the Government of Jamaica should seek the withdrawal of Jamaica from the Federation established under the West Indies (Federation) Order in Council, 1957:

AND WHEREAS proposals are under consideration for the Federation of the West Indies to become an independent nation:

AND WHEREAS doubts have now been publicly expressed as to whether Jamaica should continue to be a member of the Federation:

AND WHEREAS it has seemed to the Government of Jamaica to be proper and right that the people of Jamaica should be accorded an opportunity of expressing their opinion on that issue separately and apart from any other:

AND WHEREAS that Government has undertaken to accept and in respect of all matters pertaining to the responsibility of that Government to act in accordance with the opinion of the people expressed as aforesaid:

BE IT THEREFORE ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

Short title.

1—This Law may be cited as the Referendum (Federation) Law, 1960.

Holding of  
Referendum.

2—(1) For the purpose of the ascertainment of the opinion of the people of Jamaica with respect to the continuance of Jamaica as a component Territory of the Federation established under the West Indies (Federation) Order in Council, 1957, a referendum shall be held in accordance with this Law (in this Law called "the Referendum").

(2) The Referendum shall be held on a day to be fixed by the Governor by Proclamation being a day not earlier than six weeks after the date of the Proclamation.

(3) The persons entitled to vote on the Referendum shall be the persons then entitled to vote at a general election of members to serve in the House of Representatives of Jamaica (in this Law called "the electors").



3—(1) The electors shall be asked to answer either “Yes” or “No” to the following question—

Question to be put to the electors.

“Should Jamaica remain in the Federation of the West Indies?”

(2) The said question shall be set out on a ballot paper in the prescribed form.

(3) For the purpose of determining under this section the opinion of the people of Jamaica, regard shall be had to the opinion expressed by a majority of the electors voting at the Referendum throughout the Island.

4—For the purposes of the Referendum the votes of the electors shall be cast and the proceedings shall be conducted so far as may be as if the Referendum were a general election of members to serve in the House of Representatives of Jamaica; and the Representation of the People Law and any regulations in force under that Law, and any other Law relating to elections of members to serve in the House of Representatives (other than the Election Petitions Law) shall be construed accordingly.

Application of Representation of the People Law, etc.

Cap. 342.

Cap. 107.

5—(1) Regulations may be made by the Governor for the purposes of this Law, and such regulations may (without prejudice to the generality of the foregoing words of this section) make provision for—

Regulations.

- (a) the establishment of such organization as may appear to the Governor to be necessary for the conduct of the Referendum;
- (b) the manner in which the Referendum is to be conducted;
- (c) the modification of any such Law as is referred to in section 4 of this Law (including omissions from, additions to and amendments of any such Law);

- (d) the application of any Law then in force in relation to offences at or in connection with elections;
- (e) any other matter appearing to the Governor to be necessary or expedient for the purposes of this Law.

(2) Regulations shall not be made under this Law unless a draft thereof has been laid before and approved by a Resolution of each Chamber of the Legislature.

**Expenses.**

6—Any expenditure incurred in carrying this Law into effect shall be defrayed out of sums provided by the Legislature.

No. 54—1960

I assent,

[L.S.]

G. C. GUNTER,  
*Acting Governor*

19th August, 1960

A LAW to enable the taking of effective measures for the preservation of the public safety, and for related purposes.

[20th August, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—(1) This Law may be cited as the Public Safety (Special Powers) Law, 1960.

Short title  
and dura-  
tion.

(2) This Law shall remain in force for one year and no longer; and upon the expiry of this Law section 24 of the Interpretation Law shall have effect as if this Law had then been repealed by another Law.

Cap. 165.

2—In this Law unless the contrary intention appears the expression—

Interpreta-  
tion.

“arms” includes firearms, any other weapon, any



implement designed, adapted or intended for use as a weapon, and any ammunition or explosive substance;

“authorised officer” means—

- (a) any police officer;
- (b) any person holding a commission in any of Her Majesty's Forces;
- (c) any police constable acting under the general or special orders of a police officer;
- (d) any member of Her Majesty's Forces on duty and acting under the general or special orders of any person holding a commission in any of such Forces;

“detention order” means an order made under section 3 of this Law;

“police constable” includes any member of the Jamaica Constabulary Force (other than a police officer) and any member of the Island Special Constabulary Force;

“police officer” means an Officer as defined in the Constabulary Force Law.

Cap. 72.

Detention  
orders.

3—(1) If there exists reasonable cause to believe and the Minister believes that any person has been frequenting or has been found in or upon or entering or departing from any place or premises or vehicle or vessel in or upon which arms are found and that such arms were or were kept in such place or premises for purposes prejudicial to the public safety or the maintenance of public order, he may make an order against such person directing that that person be detained.

(2) At any time after a detention order has been made against any person, the Minister may by a further order revoke or vary the detention order or may direct

that the duration of the detention order be suspended subject to such conditions—

- (a) imposing upon such person such restrictions as may be specified in the direction in respect—
  - (i) of his place of residence; and
  - (ii) of his association or communication with other persons;
- (b) prohibiting such person from being out of doors between such hours as may be so specified except with the authority of a written permit granted by such authority or person as may be so specified;
- (c) prohibiting or restricting the possession or use by such person of any articles so specified;
- (d) requiring such person to notify his movements in such manner, at such times, and to such authority or person as may be so specified;
- (e) prohibiting such person from proceeding beyond such distance from his place of residence as may be so specified except with the authority of a written permit granted by such authority or person as may be so specified,

or any of them as the Minister thinks fit; and the Minister may by order revoke or vary any such direction whenever he thinks fit.

(3) Any person who fails to comply with a condition attached to a direction given by the Minister under subsection (2) of this section shall, whether or not the direction is varied or revoked in consequence of the failure, be guilty of an offence against this Law and shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding five hundred pounds and in default of payment thereof to imprisonment with or without hard labour for a period not exceeding twelve months, or to imprisonment with or without hard labour for a period

not exceeding twelve months, or to both such fine and such imprisonment.

(4) An authorised officer may arrest without warrant any person who has committed any such offence as is referred to in subsection (3) of this section.

(5) Unless previously revoked a detention order shall continue in force for six months and shall then expire, and where a detention order has been revoked or has expired no further detention order shall be made in respect of the same person.

(6) Any condition imposed under subsection (2) of this section shall cease to have effect on the expiration of six months after the date on which the detention order was made.

Advisory  
committees.

4—(1) For the purposes of this Law there shall be one or more than one advisory committee (in this Law referred to as an ‘advisory committee’) each consisting of three persons appointed by the Minister; and any person aggrieved by the making of a detention order, by a refusal of the Minister to revoke or vary or suspend the operation of a detention order or by any condition attached to a direction given by the Minister under subsection (2) of section 3 of this Law or by the revocation of any such direction may make his objections to an advisory committee.

(2) It shall be the duty of the Minister to secure that any person against whom a detention order has been made is informed of his right to make objections to an advisory committee and is afforded the earliest practicable opportunity of making representations in writing with respect to his objections to an advisory committee through the Minister.

(3) Every objection made under this section shall be heard by an advisory committee at the earliest practicable time.



(4) At any meeting of an advisory committee held to consider any such objections as aforesaid a chairman named by the Minister shall preside; and it shall be the duty of the chairman to inform the objector of the grounds on which the detention order has been made against him and to furnish him with such particulars as in the opinion of the chairman are sufficient to enable him to present his case.

(5) An advisory committee when it has considered any objection brought before it shall make a report thereon to the Minister; and the Minister shall take every such report into consideration.

5—Any person detained under a detention order shall be deemed to be in lawful custody and shall be detained in such place as may be authorised by the Minister and in accordance with such instructions as shall be issued by the Minister.

Detention  
under deten-  
tion order  
deemed  
lawful  
custody.

6—(1) An authorised officer—

(a) if he suspects that any arms are or are kept unlawfully in or upon any place or premises, vehicle or vessel, may enter, if need be by force, any such place, premises, vehicle or vessel and examine, search and inspect the same or any part thereof; and

(b) if he suspects that any person is carrying arms unlawfully may stop that person and search him: Provided that no female shall be searched by any other than a female; and

(c) may seize any arms found in the course of the exercise of any power conferred by the foregoing provisions of this subsection;

Special  
powers of  
authorised  
officers.

and any arms so seized shall be destroyed or otherwise disposed of in accordance with such directions as shall be given by the Minister either generally or specially.

(2) For the purpose of effectively performing his functions under paragraphs (a) and (b) of subsection (1) of this section, an authorised officer may establish road-blocks, that is to say, temporary barriers in or upon any road or public place, in order to stop vehicles and persons passing along or through such road or place; and every such barrier shall during the hours of darkness be distinctly marked by lighted red lamps or such other distinguishing marks as may be adequate.

(3) Where in the opinion of an authorised officer it is necessary or expedient for the public safety or the maintenance of public order to regulate access to or egress from any area, place or premises, he may cause a cordon to be set up so as to surround such area, place or premises.

(4) Any person who—

- (a) resists, obstructs, evades or attempts to evade an authorised officer in the exercise of any of his powers under this section; or
- (b) without the permission of an authorised officer after being challenged enters or departs from or attempts to enter or depart from any area, place or premises surrounded by a cordon under this section,

shall be guilty of an offence and on summary conviction thereof before a Resident Magistrate shall be liable to the like penalties as those provided by subsection (3) of section 3 of this Law.

(5) An authorised officer may arrest without warrant any person who has committed any such offence as is referred to in subsection (4) of this section.

7—(1) If any person, upon being questioned by an authorised officer, fails to satisfy that officer as to his identity or as to the purpose for which he is in the place



where he is found, the authorised officer, if he reasonably suspects that that person—

(a) is a person against whom a detention order might be made; or

(b) has committed an offence against this Law, may arrest him and detain him pending enquiries.

(2) A person shall not be detained under subsection (1) of this section for a period exceeding twenty-four hours except with the authority of a Resident Magistrate or of a police officer on whose direction such person may be detained for a further period of forty-eight hours:

Provided that a Resident Magistrate, where he is satisfied that the necessary enquiries cannot be completed within such further period of forty-eight hours, may direct that such person be detained for a further period not exceeding seven days from the date of arrest.

(3) Any person detained under subsection (1) of this section shall be deemed to be in lawful custody and may be detained in any prison or in any lock-up or in any other place authorised generally or specially by the Minister.

8—Any person who being detained by virtue either of a detention order or of the powers conferred by section 7 of this Law escapes or attempts to escape from lawful custody, and any person who aids, abets, counsels or procures such an escape or attempt, shall be guilty of an offence and on conviction thereof on indictment shall be liable to imprisonment with or without hard labour for a term not exceeding two years. Escape.



Existing  
powers of  
authorised  
officers  
not pre-  
judiced.

9—The powers conferred by this Law on an authorised officer shall be in addition to any powers which immediately before the commencement of this Law are exercisable by such an officer whether at common law or by virtue of any enactment.

No. 55—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

25th November, 1960

A LAW to Amend the Old Age Pensions and  
Superannuation Schemes Law, 1958.

[1st January, 1959]

BE IT ENACTED by The Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legislative  
Council and House of Representatives of Jamaica, and by  
the authority of the same, as follows:—

1—This Law may be cited as the Old Age Pensions and  
Superannuation Schemes (Amendment) Law, 1960, and  
shall be read and construed as one with the Old Age  
Pensions and Superannuation Schemes Law, 1958, herein-  
after referred to as the principal Law and shall be deemed  
to have come into operation on the 1st day of January,  
1959.

Short title,  
construction  
and com-  
mencement.  
Law 63 of  
1958.

Amendment  
of section 4  
of principal  
Law.

2—Section 4 of the principal Law is hereby amended by inserting therein next after subsection (2) the following as subsection (3)—

(3) Any scheme formulated pursuant to subsection (1) of this section in respect of workers in the sugar industry of this Island may—

(a) include provision for the payment of pensions, superannuation and other benefits to persons who were workers in that industry notwithstanding that they ceased to be so employed prior to the commencement of this Law; and

(b) notwithstanding anything contained in the Sugar (Reserve Funds) Law, direct that the Sugar Workers Pensions Fund established under that Law and all sums accruing from time to time to that Fund by virtue of the provisions of section 5 of the said Law be transferred to the Authority to be controlled, managed and utilised under and in accordance with the provisions of such scheme.”

Cap. 373.

Amendment  
of section 6  
of principal  
Law.

3—Section 6 of the principal Law is hereby amended by inserting in paragraph (a) of subsection (2) immediately after the word “fit” the following words—

“the contributors being the categories mentioned in paragraph (a) of subsection (1) of section 4 of this Law in respect of whom the scheme is formulated or their employers or both”.



4—Paragraph 12 of the Schedule to the principal Law is hereby amended—

Amendment  
of Schedule  
to principal  
Law.

- (a) by renumbering the existing paragraph as sub-paragraph (1); and
- (b) by adding next thereafter the following as sub-paragraph (2)—

“(2) The Governor acting on the recommendation of the Public Service Commission may, subject to such conditions as he may impose, approve of the appointment of any officer in the service of the Island to any office under the Authority:

Provided that in relation to pension, gratuity, allowances and to other rights as a public officer such officer shall be deemed to be in the service of the Island while so employed.”.

5—Where pursuant to subsection (3) of section 4 of the principal Law (as inserted by section 2 of this Law) the Sugar Workers Pensions Fund has been transferred to the Authority, the provisions of subsection (2) of section 3 of the Sugar (Reserve Funds) Law shall cease to have effect except in so far as it is necessary to regard the Sugar Workers Pensions Fund as being in existence for the purpose of giving full force and effect to the aforesaid subsection of the principal Law.

Transitional.

Cap. 373.



No. 56—1960

I assent,

[L.S.]

K. W. BLACKBURNE,  
*Governor*

8th December, 1960.

A LAW to Amend the Wild Life Protection Law.

[The date of any Proclamation issued by the  
Governor bringing the Law into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Wild Life Protection (Amendment) Law, 1960, and shall be read and construed as one with the Wild Life Protection Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on such day as the Governor shall by Proclamation appoint.

Short title,  
construction  
and com-  
mencement  
Cap. 413.



Amendment  
of principal  
Law.

2—The principal Law is hereby amended in the following respects—

(a) in section 2—

(i) the definition of the expression “close season” is deleted and the definition set out in the Schedule to this Law is substituted therefor;

(ii) the definitions of the expressions “Game Reserve” and “shooting season” set out in the Schedule to this Law are inserted in their alphabetical order;

(b) immediately after section 4 there is inserted the section numbered 4A set out in the Schedule to this Law;

(c) section 6 is deleted and the section numbered 6 set out in the Schedule to this Law is substituted therefor;

(d) the Second Schedule is deleted and the provisions set out in the Schedule to this Law are substituted therefor.

#### SCHEDULE

(Section 2)

##### Section 2

“close season” means in relation to any kind of game birds the period declared in each year by the Minister by Order during which the hunting of game birds of that kind is prohibited;

“Game Reserve” has the meaning assigned to that expression by section 4A of this Law;

“shooting season” in relation to any kind of game birds means, as respects any year, any period not included in the close season;

##### Section 4A

Game Re-  
serves.

4A—(1) The Minister, on the written application of the owner or occupier of any lands, may by Order apply in relation to the whole or any part of those lands the provisions of section 4 of this Law with such modifications, to be specified in the Order, as appear to the Minister to be appropriate.

(2) An area in relation to which an Order is in force under this section is in this Law referred to as a "Game Reserve".

Section 6

Hunting,  
disposal,  
etc., of  
game birds.

6—(1) During the shooting season game birds of any kind to which that season relates may lawfully be hunted on the first day of the season and thereafter only on such days in each week as the Minister may by Order prescribe.

(2) Every person who—

(a) hunts any game bird, either

(i) during the close season; or

(ii) during the shooting season on any day other than the first day thereof or a day prescribed under subsection (1) of this section;

(b) takes or has in his possession for sale, hawks, offers for sale or sells, or stores in any commercial cold storage, any game bird, shall be guilty of an offence against this Law.

(3) Any Game Warden or Constable who has reasonable cause to suspect that game birds are being stored in any commercial cold storage may (without prejudice to any other powers conferred on him by this Law) at any reasonable time enter and inspect such cold storage and may seize and detain for the purpose of proceedings under this Law any game birds found therein.

SECOND SCHEDULE

FIRST PART

Peardove	( <i>Zenaida aurita</i> )
Long-tailed Peardove	( <i>Zenaida macroura</i> )
Ground dove	( <i>Columbigallina passerina</i> )
Whitewing	( <i>Zenaida asiatica</i> )
Baldpate	( <i>Columba leucocephala</i> )
Whitebelly	( <i>Leptotila jamaicensis</i> )
Caribbean coot	( <i>Fulica caribaea</i> )
American coot	( <i>Fulica americana</i> )
Water Hen	( <i>Gallinula chloropus</i> )
Snipe	( <i>Charadrius wilsonia</i> )
Plover or Lapwing	( <i>Squatarola squatarola</i> )
Ducks	All migratory species

## SECOND PART

Jabbering Crow	( <i>Corvus jamaicensis</i> )
Pigeon Hawk	( <i>Falco columbarius</i> )
Chicken Hawk	( <i>Buteo jamaicensis</i> )
Guiana Parrotlet	( <i>Forpus passerinus</i> )
Paroquet	( <i>Aratinga nana</i> )
Petchary	( <i>Tyrannus dominicensis</i> )
Starling	( <i>Sturnus vulgaris</i> )
Kling-Kling	( <i>Quiscalus niger</i> )



No. 57—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

8th December, 1960.

A LAW to Amend the Agricultural Development  
Corporation Law.

[22nd December, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Agricultural Development Corporation (Amendment) Law, 1960, and shall be read and construed as one with the Agricultural Development Corporation Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 3.

2—Section 3 of the principal Law is hereby amended by deleting subsection (4) and substituting therefor the following subsection—

Amendment  
of section 3  
of principal  
Law.

“(4) Subject to the provisions of this section every member of the Corporation shall unless his appointment is sooner revoked hold office for such term not

exceeding three years as shall be specified in the instrument appointing him:

Provided that a member holding office on the fifteenth day of July, 1960, shall unless his appointment is sooner revoked continue in office for the residue of the term for which he was appointed."

No. 58—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

8th December, 1960.

A LAW to validate the acts of certain bodies which purported to exercise the functions of Licensing Authorities under the Spirit Licence Law in the several parishes of the Island and to indemnify the persons concerned against legal proceedings.

[22nd December, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Spirit Licence (Validation of Acts and Indemnity) Law, 1960. Short title.

2—Notwithstanding any failure to comply with the requirements of the Spirit Licence Law, or any other Law, Validation and indemnity Cap. 364.



as to the constitution of a Licensing Authority or the grant or refusal to grant or transfer of licences under the Spirit Licence Law—

Schedule.

- (a) all acts done in good faith between the period from the 1st of April, 1957, to the 31st of December, 1959, (both inclusive) by a body purporting to exercise the functions of a Licensing Authority for any parish and constituted as set out in the Schedule to this Law, are hereby in all respects declared to have been validly, properly and lawfully done; and
- (b) the members of any such body are hereby freed, acquitted, discharged and indemnified as well against the Queen's Most Gracious Majesty, Her Heirs and Successors as against all persons whatever from all legal proceedings of any kind in respect of or consequent on such acts as aforesaid.

#### SCHEDULE

(Section 2)

A body consisting of the Resident Magistrate of a parish for the time being, as chairman, and two or more Justices resident in that parish.

No. 59—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

13th December, 1960

A LAW to Amend the Petroleum (Production) Law

[22nd December, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Petroleum (Production) (Amendment) Law, 1960, and shall be read and construed as one with the Petroleum (Production) Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Cap. 292.

2—Section 14 of the principal Law is hereby amended by deleting the word "All" at the beginning of the section and substituting therefor the words "Subject to the modifications specified in the Schedule to this Law, all".

Amendment  
of section  
14 of  
principal  
Law.

Insertion  
of Schedule  
in prin-  
cipal Law.

3—The principal Law is hereby amended by adding next after section 14 the following Schedule—

SCHEDULE

(Section 14)

*Modification of the Law in its application to the Cayman Islands and the Turks and Caicos Islands*

For the words "Commissioner of Mines" and "Governor in Council" wherever they occur the words "Administrator" and "Governor in Executive Council" shall respectively be substituted."

Application  
to Cayman  
Islands and  
Turks and  
Caicos  
Islands.

4—Subject to section 56 of the Cayman Islands (Constitution) Order in Council, 1959 and section 56 of the Turks and Caicos Islands (Constitution) Order in Council, 1959, this Law shall apply to the Cayman Islands and to the Turks and Caicos Islands.



No. 60—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

19th December, 1960

A LAW to preserve the benefits under certain Pensions Laws and Regulations to the dependants and estates of employees in the public and parochial services and to validate awards made in this connection since the 21st of November, 1947.

[21st November, 1947]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Pensions (Validation of Benefits to Dependants) Law, 1960, and shall be deemed to have come into operation on the 21st day of November, 1947.

Short title  
and com-  
mencement.

Interpreta-  
tion.

2—In this Law—

“officer” means a person in the public or parochial service of the Island;

“scheduled enactments” means the enactments specified in the Schedule.

Benefits to  
dependants  
preserved.

Cap. 285.

Cap. 287.

Cap. 315.

3—Where pursuant to and in accordance with any of the scheduled enactments an officer to whom such enactment applies has given notice of his desire that the provisions of the Laws and Regulations repealed or revoked by the Pensions Law or the Pensions (Parochial Officers) Law and which applied to him prior to the 21st day of November, 1947, should continue to apply to him, or as the case may be, has made an election whether or no he will become a depositor within the meaning of the Provident Fund Law, nothing shall prejudice or in any way affect the grant of benefits to the dependants of such officer or the payment to his legal personal representative for which they would have been eligible but for the repeal or revocation of the said Laws and Regulations.

SCHEDULE

Cap. 285. The Pensions Law, section 19 (1) (b).

Cap. 287. The Pensions (Parochial Officers) Law, section 20 (1) (b).

Cap. 315. The Provident Fund Law, section 5, section 3<sup>8</sup> (3).

No. 61—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

28th December, 1960

A LAW to Amend the Trade Law, 1955, and to Validate and Confirm certain Orders made thereunder.

[29th December, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Trade (Amendment and Validation) Law, 1960. Short title.

2—In this Law the expression "principal Law" means the Trade Law, 1955, as amended by the Trade (Amendment) Law, 1956, by the Trade (Amendment) Law, 1960, and by section 22 of the Rice Industry Board Law, 1956. Interpretation.  
Law 4 of 1955.  
Law 17 of 1956.  
Law 34 of 1960.  
Law 38 of 1956.



Amendment  
of section 5  
of principal  
Law.

3—Section 5 of the principal Law is hereby amended by deleting paragraph (h) of subsection (3).

Validation  
of certain  
orders.

4—All Orders purporting to be made under the provisions of the principal Law between the 1st day of October, 1956, and the commencement of this Law by the Trade Board regulating the exportation, distribution, purchase, sale or price of rice are hereby declared to be and to have been as effectual to all intents and purposes as if when such Orders were made the provisions of paragraph (h) of subsection (3) of section 5 of the principal Law were not in force.

No. 62—1960

I assent,

[L.S.]

K. W. BLACKBURNE,  
*Governor*

28th December, 1960

A LAW to Amend the Finger Prints Law.

[29th December, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows :—

1—This Law may be cited as the Finger Prints (Amendment) Law, 1960, and shall be read and construed as one with the Finger Prints Law (hereinafter referred to as the principal Law) and all amendments thereto.

Short title.  
and construction.

Cap. 128.

2—Section 3 of the principal Law is hereby repealed and the following substituted therefor :—

Repeal and  
replacement  
of section 3  
of principal  
Law.

" Taking of  
finger prints.

3—(1) Where any person is charged before a Circuit Court, the Traffic Court or a Resident Magistrate's Court with any

Schedule. offence specified in the Schedule to this Law, the Court may order that the finger prints of such person shall be taken.

(2) Where an order is made under this section for the taking of the finger prints of any person, such finger prints shall be taken by an Authorised Officer.”.

Amendment of section 4 of principal Law.

3—Section 4 of the principal Law is hereby amended by deleting the words “any such offence” and substituting therefor the words “any offence specified in the Schedule to this Law”.

Amendment of section 7 of principal Law.

4—Section 7 of the principal Law is hereby amended by deleting the words “any such offence” and substituting therefor the words “any offence specified in the Schedule to this Law”.

Addition of new section 9 to principal Law.

5—The principal Law is hereby amended by adding next after section 8 the following section—

“ Power to amend Schedule.

9—(1) The Minister may by Order amend the Schedule to this Law.

(2) Every Order made under this section shall be subject to affirmative resolution.”.

Insertion of Schedule in principal Law.

6—The principal Law is hereby amended by inserting at the end thereof the following Schedule—

“ SCHEDULE

(Section 3)

1. Any felony.

2. Any indictable misdemeanour not specified elsewhere in this Schedule.

Cap. 83.

3. Any offence against section 41, 46 or 47 of the Criminal Justice (Administration) Law.

Cap. 90.

4. Any offence against the Dangerous Drugs Law.



5. Any offence against section 15 of the Deportation (British Subjects) Law. Cap. 96.
6. Any offence under the Firearms Law which may be tried by a Circuit Court as well as by a Resident Magistrate. Cap. 129.
7. Any offence against the Gambling Law. Cap. 137.
8. Any offence against the Obeah Law. Cap. 266.
9. Any offence against section 28, 38 or 39 (a) of the Road Traffic Law. Cap. 346.
10. Any offence against the Unlawful Possession of Property Law. Cap. 401.
11. Any offence against section 29 of the Public Order Law." Law 44 of 1957.



No. 63—1960

I assent,

[L.S.]

K. W. BLACKBURNE,  
*Governor*

28th December, 1960

A LAW to Amend the Processed Food Law, 1955

[29th December, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Processed Food (Amendment) Law, 1960, and shall be read and construed as one with the Processed Food Law, 1955, hereinafter referred to as the principal Law.

Short title  
and con-  
struction.

Law 32 of  
1955.

2—Section 11 of the principal Law is hereby amended by the addition thereto of the following subsection as subsection (3)—

Amendment  
of section 11  
of principal  
Law.

“(3) An inspector or analyst may, upon the request of any person who manufactures or processes any prescribed food and upon the payment of the



prescribed fee, examine or analyse such food and shall issue to such person a certificate of the result of the examination or analysis.”.

No. 64—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

28th December, 1960

A LAW to Amend the Counties and Parishes Law.

[29th December, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Counties and Parishes (Amendment) Law, 1960, and shall be read and construed as one with the Counties and Parishes Law, hereinafter referred to as the principal Law.

Short title  
and con-  
struction.  
Cap. 80.

2—Section 4 of the principal Law is hereby amended in the following respects—

Amendment  
of section 4  
of princi-  
pal Law.

- (a) by inserting in subsection (1) thereof immediately after the word “notwithstanding” the following proviso—

“Provided that any portion of the area delineated upon a plan entitled “Plan of the district of Newmarket” identified under the

Law 64 of  
1960.

hand of the Permanent Secretary to the Ministry of Home Affairs as being the plan referred to in the Bill for a Law entitled the Counties and Parishes (Amendment) Law, 1960, and deposited in the Record Office on the 7th day of October, 1960, shall be, and shall be deemed always to have been, comprised in the parish of Saint Elizabeth:" ;

- (b) by inserting in subsection (2) thereof immediately before the word "Kingston" the words "Saint Elizabeth," and by deleting from the said subsection the words "either of".



JAMAICA

No. 65—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

28th December, 1960

A LAW to Repeal the Public Buildings (Superintendence) Law.

[29th December, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Public Buildings (Superintendence) (Repeal) Law, 1960. Short title.

2—The Public Buildings (Superintendence) Law is hereby repealed. Repeal.  
Cap. 317.



No. 66—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

28th December, 1960

A LAW to Amend the Cayman Islands Administration  
of Justice Law.

[29th December, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legislative  
Council and House of Representatives of Jamaica, and by  
the authority of the same, as follows:—

1—This Law may be cited as the Cayman Islands  
Administration of Justice (Amendment) Law, 1960, and  
shall be read and construed as one with the Cayman  
Islands Administration of Justice Law (hereinafter  
referred to as the principal Law) and all amendments  
thereto.

Short title  
and con-  
struction.  
Cap. 421.

2—The proviso to section 114 of the principal Law is  
hereby amended by inserting therein next after the words  
“the Commissioner of the said Islands for the time being,”  
the words “the members of the Legislative Assembly,”.

Amendment  
of section 114  
of princi-  
pal Law.



Application  
of Law to  
Cayman  
Islands.

3—Subject to section 56 of the Cayman Islands (Constitution) Order in Council, 1959, this Law shall apply to the Cayman Islands.

No. 67—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

28th December, 1960

A LAW to Amend the Land Bonds Law, 1955

[29th December, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Land Bonds (Amendment) Law, 1960, and shall be read and construed as one with the Land Bonds Law, 1955 (hereinafter referred to as the principal Law) and all amendments thereto.

Short title  
and con-  
struction.  
Law 48 of  
1955.

2—Section 11 of the principal Law is hereby amended by inserting in subsection (1) thereof immediately after the words "in paragraph (b)" the words "or in paragraph (e)".

Amendment  
of section  
11 of prin-  
cipal Law.

Amendment  
of Schedule  
to principal  
Law.

3—The Schedule to the principal Law is hereby amended by adding thereto the following as paragraph (e)—

“(e) (i) Land comprising the whole or part of an area declared by the Minister to be in his opinion substantially occupied by building tenants or squatters or both.

(ii) For the purposes of this paragraph—

“building tenants” means tenants or sub-tenants occupying part or the whole of an area of land who have erected houses thereon, or who inhabit houses erected thereon by other persons, without any sub-division of that area of land having been sanctioned pursuant to the Local Improvements Law on terms permitting the erection of such houses or without there being in force any legal provision excluding that area of land from the application of the Local Improvements Law;

“squatters” means persons occupying land who have no right to do so either by purchase, tenancy, contract or permission of any person having the right to grant such permission.”.



No. 68—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

28th December, 1960

A LAW to Amend the Tourist Board Law

[1st April, 1961]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Tourist Board (Amendment) Law, 1960, and shall be read and construed as one with the Tourist Board Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on the 1st day of April, 1961.

Short title,  
construc-  
tion, and  
commence-  
ment.

Law 61 of  
1954.

2—(1) The several provisions of the principal Law specified in the First Schedule are hereby amended in the manner respectively so specified.

Amendments  
and repeals  
of provisions  
of principal  
Law.

(2) The said First Schedule shall have effect as if it in terms repealed—

- (a) provisions and words thereby deleted from the principal Law; and
- (b) provisions and words for which other provisions (or, as the case may be, words) are substituted by that Schedule;

Cap. 165. and section 24 of the Interpretation Law shall apply accordingly.

(3) The several sections of the principal Law specified in the Second Schedule are hereby repealed.

#### FIRST SCHEDULE

Section	Amendment
2	<p>(a) Delete the definition of "chairman" and substitute therefor the following—  " "chairman" means the chairman of the Board;";</p> <p>(b) delete the definitions of "member", "the Minister" and "nominating body" and substitute therefor the following—  " "member" means a member of the Board and includes the chairman and vice-chairman;  "vice-chairman" means the vice-chairman of the Board."</p>
3	<p>Delete subsections (2) and (3) and substitute therefor the following—  " (2) The Board shall consist of not more than fifteen members who shall be appointed by the Minister by instrument in writing from amongst persons appearing to him to be qualified as having had experience of and shown capacity in matters relating to the tourist trade."</p>

Section	Amendment
4	<p>Delete the section and substitute therefor the following—</p> <p>“Temporary appointments. 4—The Minister may appoint any person to act temporarily in the place of a member of the Board in the case of the absence or inability to act of such member.”.</p>
5	<p>Delete the section and substitute therefor the following—</p> <p>“Chairman. 5—(1) The chairman and the vice-chairman shall be appointed by the Minister from amongst the members of the Board.</p> <p>(2) In the case of the absence or inability to act of the chairman, the vice-chairman shall exercise the functions of the chairman.</p> <p>(3) In the case of the absence or inability to act of both the chairman and vice-chairman the members present at a meeting shall elect one of their number to act as chairman.”.</p>
12	<p>(a) Delete from subsection (3) the words “duly authorized to act” and substitute therefor the word “acting”;</p> <p>(b) delete subsection (4) and substitute therefor the following—</p> <p>“ (4) The quorum of the Board shall be seven including the chairman or person presiding.”.</p>
13	<p>(a) Delete paragraph (b) of subsection (2);</p> <p>(b) delete from paragraph (c) of subsection (2) all the words appearing after the words “at their first meeting in each year”;</p> <p>(c) delete from subsection (5) the words “and any person so appointed to act shall be representative of the same interests as the member in whose place he is appointed”;</p>



Section	Amendment
13 <i>contd.</i>	(d) delete from subsection (8) the words "and such quorum shall include at least two members of the Committee who are not representative of the interests of the Jamaica Hotels Association".

#### SECOND SCHEDULE

*Provisions of principal Law to be repealed  
Sections 8 and 9.*

No. 69—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

28th December, 1960

A LAW to Amend the Cruelty to Animals Law.

[29th December, 1960]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Cruelty to Animals (Amendment) Law, 1960, and shall be read and construed as one with the Cruelty to Animals Law, hereinafter referred to as the principal Law.

Short title  
and con-  
struction.  
Cap. 86.

2—Section 15 of the principal Law is hereby repealed and the following section substituted therefor —

Repeal and  
replacement  
of section 15  
of princi-  
pal Law.

"Destruction  
of injured  
animals.

15—(1) If any constable finds any animal other than any sheep, goat, swine, dog, cat, poultry, or bird, so severely injured or in such a state of health that it cannot without undue suffering be moved, he may if the

owner is absent or refuses to consent to the destruction of the animal, on obtaining a certificate from a Veterinary Surgeon or Justice of the Peace that such animal is so severely injured or in such a state of health that it would be cruel to keep it alive cause such animal to be slaughtered in a manner causing as little pain as possible to such animal.

(2) If any constable finds any sheep, goat, swine dog, cat, poultry, or bird so severely injured or in such a state of health that it cannot without undue suffering be moved, he may cause such animal to be slaughtered in a manner causing as little pain as possible to such animal."



# THE AGRICULTURAL CREDIT BOARD LAW, 1960

(Law 70 of 1960)

## ARRANGEMENT OF SECTIONS

### Section

### *Preliminary*

1. Short title and commencement.
2. Interpretation.

### *Establishment and Functions of the Board*

3. Establishment of Agricultural Credit Board.
4. Functions of Board.
5. Limits of loans and grants.
6. Regulations.

### *Financial*

7. Funds and resources of the Board.
8. Reserve fund.
9. Borrowing powers.
10. Accounts and audit.
11. Annual report.

### *Agricultural Loan Societies*

12. Agricultural loan societies.
13. Cancellation of registration.
14. Scheme for withdrawable deposits.
15. Audit of accounts of agricultural loan societies.
16. Board may appoint member of committee of management.
17. When Board may take over management and control of agricultural loan society.
18. Consequences of taking over of management and control.
19. Re-vesting of management and control in committee.
20. Gazetted notice to be evidence of the taking over or re-vesting of management and control.
21. Security given to the Board by an agricultural loan society.
22. Specific assignment to the Board of debt unnecessary.
23. Restrictions on agricultural loan societies indebted to the Board.
24. Power of agricultural loan societies to make loans.
25. Restrictions on loans by agricultural loan societies.

## Section

*Security for Loans*

26. Security for loans.
27. Charge on crops and movable property.
28. Memoranda of charges and of certain mortgages
29. Effect of a charge.
30. Lender's rights and obligations under a charge
31. Borrower's obligations under a charge.
32. Lender's power to insure.
33. Release of charges and certain mortgages.

*Miscellaneous*

34. Policy directions.
35. Minister may specify rehabilitation periods and certify organisations.
36. Loans may be made notwithstanding contracts to the contrary.
37. Rate of interest.
38. Arbitration and compromise.
39. Appointment as agents.
40. Exemption from income tax, stamp duty and other fees.
41. Board's officers and servants not to borrow or receive gifts from societies.
42. Offences.
43. Punishment of offences.
44. Transfer of assets and liabilities.
45. Construction of references to certain organisations.
46. Repeal and savings.

## SCHEDULE

1. Constitution of the Board.
2. Appointment of members.
3. Re-appointment.
4. Chairman.
5. Acting appointments.
6. Resignations.
7. Revocation of appointments.
8. Gazetting of appointments.
9. Incorporation.
10. Procedure and meetings.
11. Protection of members.
12. Officers and servants.
13. Remuneration of members.
14. Office of chairman or member not a public office.

No. 70—1960

I assent,

[L.S.]

K. W. BLACKBURNE,  
*Governor*

28th December, 1960

A LAW to Repeal the Agricultural Loan Societies Law  
and to make other provisions in lieu thereof.

[The date of any Proclamation issued by the]  
Governor bringing the Law into operation.

BE IT ENACTED by The Queen's Most Excellent Majesty,  
by and with the advice and consent of the Legislative  
Council and House of Representatives of Jamaica, and  
by the authority of the same, as follows:—

*Preliminary*

1—This Law may be cited as the Agricultural Credit Board Law, 1960, and shall come into operation on a day to be appointed by the Governor by Proclamation.

Short title  
and com-  
mencement.

2—In this Law, unless the context otherwise requires—  
“agricultural loan society” means a body registered  
under section 12 of this Law;

Interpreta-  
tion.



“agriculture” includes any activities relating to horticulture, afforestation, apiculture, fish-culture, fishing, the development and maintenance of pastures, the cultivation of crops and the keeping or breeding of livestock or poultry, and “agricultural” shall be construed accordingly;

“approved organisation” means any organisation, other than an agricultural loan society, carrying on, encouraging or promoting agricultural activities and certified by the Minister to be an approved organisation for the purposes of this Law;

“the Board” means the Agricultural Credit Board established by this Law;

“borrower” means any person to whom any loan is made under this Law;

“lender” means, in relation to any loan made by the Board under this Law, the Board, and in relation to any loan made under this Law by any agricultural loan society, the society by which such loan is made;

“rehabilitation loan” means a loan made under this Law during a rehabilitation period for the rehabilitation of agriculture;

“rehabilitation period” means a period beginning on such day as may be specified by order under section 35 of this Law, being any day on or after which the agricultural activities of this Island have suffered damage from flood, hurricane or any other natural disaster, and ending on such other day as may be specified in like manner.

*Establishment and Functions of the Board*

3—(1) There shall be established for the purposes of this Law a body to be called the Agricultural Credit Board. Establishment of Agricultural Credit Board.

(2) The provisions of the Schedule to this Law shall have effect as to the constitution of the Board and otherwise in relation thereto. Schedule.

4—(1) It shall be the duty of the Board to assist in the development and maintenance of the agricultural activities of this Island and in promoting the welfare of persons engaged in those activities by making grants and loans to agricultural loan societies and approved organisations, making loans to persons engaged in agriculture and fostering, supervising and, subject to the provisions of this Law, by controlling agricultural loan societies. Functions of Board.

(2) For the purpose of the discharge of its duty under subsection (1) of this section the Board shall have power, subject to the provisions of sections 5 and 26 of this Law—

(a) to make, where the Board thinks fit, to persons engaged or proposing to be engaged in agriculture—

- (i) loans for agricultural purposes;
- (ii) loans for family needs;
- (iii) rehabilitation loans in cases where the lands, buildings or crops of such persons have suffered damage from flood, hurricane or any other natural disaster;
- (iv) loans for the construction, improvement, maintenance and repairs of farm buildings;
- (v) loans for the construction and repairs of the dwelling houses of such persons;

- (vi) loans for the provision and maintenance of water supplies for domestic purposes;
- (b) to make, at such times as the Board may think fit, a free grant to any agricultural loan society or approved organisation;
- (c) to make loans to agricultural loan societies and approved organisations on such conditions as the Board may think fit;
- (d) to enquire into the administration, accounts and proceedings of any agricultural loan society and, subject to the provisions of this Law, to take over the management and control of such society.

(3) In addition to any powers possessed by the Board in virtue of this or any other Law, the Board shall have power, subject to the provisions of this Law, to do anything and to enter into any transaction which, in the opinion of the Board, is necessary to ensure the proper discharge of its functions.

Limits of  
loans and  
grants.

5—(1) The Board shall not, except with the prior approval of the Minister, make to any person under paragraph (a) of subsection (2) of section 4 of this Law any loan so that the total indebtedness of that person to the Board under this Law exceeds at any one time the sum of ten thousand pounds.

(2) No agricultural loan society or approved organisation shall, except with the prior approval of the Minister, be given, during any year, more than five hundred pounds in free grants under paragraph (b) of subsection (2) of section 4 of this Law.

Regula-  
tions.

6—The Board may, with the approval of the Minister, make regulations—

- (a) providing for the control, governance and administration of agricultural loan societies;
- (b) prescribing forms for the purposes of this Law.



# Financial

7—The funds and resources of the Board shall consist of— Funds and resources of the Board.

- (a) such sums as may be provided annually for the purpose in the Estimates of Revenue and Expenditure of the Island;
- (b) all sums from time to time received by or falling due to the Board in respect of the repayment of any loan made by the Board and the interest payable in respect of any such loan;
- (c) sums borrowed by the Board for the purpose of meeting any of its obligations or discharging any of its functions;
- (d) all other sums or property which may in any manner become payable to or vested in the Board by virtue of the provisions of section 44 of this Law or in respect of any matter incidental to its powers and duties.

8—(1) The Board shall establish and maintain a reserve fund. Reserve fund.

(2) The Board shall pay into the reserve fund—

- (a) the amount standing to the credit of the reserve fund of the Agricultural Loan Societies Board immediately before the commencement of this Law;
- (b) all sums received by the Board, by virtue of the provisions of section 45 of this Law, in respect of the repayment of any loan made under the Banana Industry Aid Law, the Banana Industry Aid Law, 1932, and the Banana Industry Aid Law, 1933, and the payment of interest on any such loan; and Cap 343 of 1938. Revised Edition (repealed), Law 15 of 1932 (repealed), Law 25 of 1933 (repealed).
- (c) one-third, or such other proportion as the Board with the approval of the Minister may

from time to time determine, of all sums received by the Board in payment of interest on loans made by the Board under this Law.

(3) The reserve fund shall not be utilised other than for such purposes as the Minister may approve.

Borrowing  
powers.

9—(1) Subject to the provisions of subsection (2) of this section, the Board may borrow sums required by it for meeting any of its obligations or discharging any of its functions.

(2) The power of the Board to borrow shall be exercisable only with the approval of the Governor in Council, as to the amount, as to the sources of the borrowing and as to the terms on which the borrowing may be effected. An approval given in any respect for the purposes of this subsection may be either general or limited to a particular borrowing or otherwise, and may be either unconditional or subject to conditions.

Accounts  
and audit.

10—(1) The Board shall keep accounts of its transactions to the satisfaction of the Minister and such accounts shall be audited annually by the Auditor General or by an auditor appointed by the Minister.

(2) The members, officers and servants of the Board shall grant to the auditor appointed to audit the accounts of the Board under the provisions of subsection (1) of this section access to all books, documents, cash and securities of the Board and shall give to him on request all such information as may be within their knowledge in relation to the operation of the Board.

Annual  
report.

11—(1) The Board shall in each year prepare and present, on or before the first day of October to the Minister a report on its proceedings during the twelve months ending on the thirty-first day of March in such year, including a complete report of its financial position.



(2) A copy of such report shall be laid on the Table of the Legislative Council and House of Representatives.

### *Agricultural Loan Societies*

12—(1) Any body of persons established for the purpose, *inter alia*, of encouraging and promoting the agricultural interests of its members and making loans to its members for agricultural purposes, may apply to the Board for registration under this Law, and the Board may in its discretion register such body.

Agricultural  
loan  
societies.

(2) Every body of persons which immediately before the commencement of this Law was a registered society under the Agricultural Loan Societies Law shall be deemed, at the commencement of this Law, to be registered under this Law, and the Board shall enter the name of such society in a register of agricultural loan societies as soon as practicable after the commencement of this Law.

Cap. 5.

(3) Every body of persons registered under this Law shall, upon such registration, become an agricultural loan society.

13—(1) The Board may in its discretion remove the name of any agricultural loan society from the register and thereupon such society shall cease to be an agricultural loan society.

Cancellation  
of registra-  
tion.

(2) The Board shall forthwith, upon the removal of the name of an agricultural loan society from the register, notify such society of such removal.

(3) Where the Board decides to remove the name of an agricultural loan society from the register, then unless such society is a body of persons established under any law which provides for the payment of the debts and distribution of the assets thereof upon the winding up or dissolution thereof, the Board shall, at the time of the removal of the name of such society from the register, appoint a receiver who shall, be entitled to enter into possession and assume control of all property of the society and shall realise the



assets thereof and after payment of the debts due by the society shall distribute the surplus if any pro rata among the shareholders.

(4) The remuneration of the receiver shall be fixed by the Board and shall be a first charge payable out of the the shareholders.

Scheme for  
withdraw-  
able de-  
posits.

14—(1) Any agricultural loan society may prepare a scheme providing for such society to accept money on deposit by way of savings from any member thereof.

(2) Every scheme prepared under this section shall make provision for—

- (a) the maximum period during which a deposit may be retained by the society;
- (b) the maximum amount which any member may have on deposit;
- (c) the conditions on which deposits may be accepted by the society;
- (d) the rate of interest which may be paid by the society on such deposits;
- (e) the proportion of any such deposits which may be invested by the society;
- (f) such other matters incidental to the acceptance of deposits as the society may consider necessary.

(3) Where any agricultural loan society receives deposits in accordance with any scheme prepared under this section, such society shall not be deemed to be carrying on the business of banking for the purposes of section 18 of the Industrial and Provident Societies Law, and the provisions of that section shall not apply to such society.

Cap. 159.

(4) Every scheme shall be prepared in a form approved by the Minister and shall in all other respects be subject to the approval of the Board.

(5) No agricultural loan society shall accept any money on deposit by way of savings except in accordance with a scheme approved by the Board.

15—(1) The Board may, where it thinks fit, require the accounts of any agricultural loan society to be audited, and may appoint the auditor for such purpose.

Audit of  
accounts of  
agricultural  
loan society.

(2) The officers and servants of every agricultural loan society in respect of which an auditor is appointed under this section shall grant to such auditor access to all the books, documents, cash and securities of such society and shall give him on request all such information as may be within their knowledge in relation to the operation of such society.

(3) Where an auditor appointed under this section finds that the accounts of the society in respect of which he is appointed have not been kept in a proper manner, he shall serve notice of that fact on the society and shall have power to carry out such further inspections of the accounts of the society as he may consider necessary to determine whether the neglect or failure to keep such accounts in a proper manner has been remedied.

16—(1) The Board may, where it considers it necessary so to do, appoint any person to be a member of the committee of management of any agricultural loan society, whether such person is a member of such society or not.

Board may  
appoint  
member of  
committee of  
manage-  
ment.

(2) The Board shall, upon the appointment of any person under this section to be a member of the committee of management of an agricultural loan society, cause notice of such appointment to be served on the committee of management of such society.

(3) Any person appointed under this section to be a member of the committee of management of an agricultural loan society shall have, in relation to the management of such society, all the rights and powers, including the right of voting, of a member of such committee, and in the event of a majority of such committee being opposed to the views of such person in any particular matter, such matter shall, if such person so requires, be referred to the Board whose decision shall be complied with by such committee.



(4) No appointment shall be made under this section unless the Board is satisfied—

- (a) that it is in the interest of the operation of the society that such an appointment should be made; and
- (b) that if such an appointment is not made it may become necessary to take over the management and control of the society under section 17.

When Board  
may take  
over manage-  
ment and  
control of  
agricultural  
loan society.

17—(1) The Board may take over the management and control of any agricultural loan society—

- (a) where the auditor appointed under section 15 of this Law certifies—
  - (i) that the accounts of such society have not been kept in a proper manner and that the failure or neglect to keep such accounts in a proper manner has continued for a period of twenty-eight days after service on the society of a notice of that fact; or
  - (ii) that the payment of debts due to such society in respect of shares, loan, interest or otherwise is not being enforced; or
  - (iii) that he has been unable to obtain satisfactory information as to the affairs or assets of such society;
- (b) where the committee of management of such society—
  - (i) fails to comply with any decision given by the Board under subsection (3) of section 16 of this Law; or
  - (ii) obtains a loan from the Board by any false representation; or
  - (iii) without the consent of the Board uses any loan from the Board for any purpose other than a purpose for which such loan was made;
- (c) where such society defaults for at least sixty



days in the payment of any money owing by such society to the Board; or

- (d) where a request that the Board should take over the management and control of such society is made in an application—

- (i) by the majority in number of the members of such society; or
- (ii) pursuant to a resolution of the committee of management of such society confirmed by a special general meeting.

(2) The Board shall cause notice of its intention to take over the management and control of an agricultural loan society to be served on the committee of management thereof and from the date of service of such notice the Board shall be deemed to have taken over the management and control of such society.

18—Where the Board has taken over the management and control of an agricultural loan society—

- (a) the Board shall have all the rights, powers and privileges of the society and of the committee of management and any council thereof, and such other powers, including power to sue and be sued on behalf of such society, as may be necessary for the proper conduct of the affairs of the society whether for the purpose of continuing the operations of the society or for the purpose of winding up the affairs thereof;
- (b) every officer and servant of such society shall deliver to the Board all books, documents, cash and securities of the society in the custody, control or possession of such officer or servant;
- (c) the Board may appoint any person to manage the affairs of such society, and any person so appointed shall, subject to the general or special directions of the Board, have all the powers of the Board in relation to the management and control of such society.

Consequences  
of taking  
over of  
manage-  
ment and  
control.

Re-vesting of  
manage-  
ment and  
control in  
committee.

19—(1) Where the Board has taken over the management and control of an agricultural loan society, the Board may at such time as it thinks fit, re-vest the management and control of such society in the committee of management thereof, and if no committee of management is in existence the Board may—

- (a) call a special general meeting of the society to elect a committee of management in which the management and control of the society may be re-vested; or
- (b) appoint a provisional committee of management for the management and control of the society during such period as the Board may consider necessary.

(2) Where the Board has decided to re-vest the management and control of an agricultural loan society in the committee of management or in a provisional committee of management, the Board shall cause notice of its decision to be served on the committee of management, or the provisional committee of management, as the case may be, and from the date of service of such notice the management and control of such society shall be deemed to be re-vested in such committee of management, or provisional committee of management.

(3) Upon the re-vesting of the management and control of an agricultural loan society in the committee of management or a provisional committee of management thereof, all acts done by the Board in the management and control of the society while the Board had such management and control shall be deemed to have been done on behalf of the committee of management of the society.

Gazetted  
notice to be  
evidence of  
the taking  
over or re-  
vesting of  
management  
and control.

20—Any notice published in the *Gazette* to the effect that the Board has taken over the management and control of an agricultural loan society, or has re-vested the management and control of such society in the committee of management or a provisional committee of



management of such society, shall be conclusive evidence in all Courts of the fact contained in such notice.

21—(1) Every security given to the Board by any agricultural loan society in respect of a loan made to such society under this Law, shall include all the share capital, assets and property, real or personal, of such society at the time of the execution of such security and any property, real or personal acquired subsequently by such society and not expressly and with the permission of the Board excluded from such security.

Security given to the Board by an agricultural loan society.

(2) The recording of notice in the proper office of record that any agricultural loan society has given security to the Board shall be sufficient notice of the effect of such security to all persons concerned.

22—It shall not be necessary for an agricultural loan society to make to the Board a specific assignment of any debt due to the society so as to enable the Board to take proceedings for the recovery of such debt, but the execution by such society to the Board of the security referred to in section 21 of this Law shall confer on the Board all the rights and powers of the society in relation to debts due to such society.

Specific assignment to the Board of debt unnecessary

23—(1) No agricultural loan society which is indebted to the Board shall—

Restrictions on agricultural loan societies indebted to the Board.

- (a) hypothecate any security given to such society in respect of a loan made by such society to any member;
- (b) except in accordance with the permission in writing of the Board—

- (i) borrow money from any person other than the Board;
  - (ii) sell any of its assets; or
  - (iii) consent to the sale or gift by any person of the whole or any part of any security given by such person to such society.



(2) Every hypothecation made in contravention of this section shall be null and void.

Power of  
agricultural  
loan  
societies to  
make loans.

24—Subject to the provisions of sections 25 and 26 of this Law every agricultural loan society shall have power to make to its members, out of sums loaned by the Board to such society—

- (a) loans for agricultural purposes;
- (b) such loans as the Board may either generally or in any particular case approve for family needs;
- (c) rehabilitation loans in cases where the lands, buildings or crops of members of such society have suffered damage from flood, hurricane or any other natural disaster;
- (d) loans for the construction, improvement, maintenance and repairs of farm buildings;
- (e) loans for the construction and repairs of the dwelling houses of members of such society;
- (f) loans for the provision and maintenance of water supplies for domestic purposes.

Restrictions  
on loans by  
agricultural  
loan  
societies.

25—(1) No agricultural loan society shall, except with the prior approval in writing of the Board, make to any person any loan—

- (a) in excess of five hundred pounds or one-quarter of the paid-up capital of such society, whichever is the less; or
- (b) so that the total indebtedness of such person to the society exceeds at any one time the sum of five hundred pounds or one-quarter of the paid-up capital of such society, whichever is the less.

(2) No agricultural loan society shall, except with the prior approval in writing of the Board—

- (a) make a loan or be a party to any financial accommodation to any member of the committee of management or any officer of such society; or

- (b) permit any of its funds to be used for the personal purposes of any such member or officer, other than the payment of the duly authorised salary of such officer.

### *Security for Loans*

26—(1) Every loan made under this Law shall be secured in any one or more of the following ways, that is to say—

Security for loans.

- (a) by a mortgage of any land belonging to the borrower;
- (b) by a charge created under section 27 of this Law;
- (c) in such other manner as may be acceptable to the Board.

(2) The security for a rehabilitation loan shall rank *pari passu* with the first of any incumbrances—

- (a) affecting the property or crops on which such loan is secured; and
- (b) existing at the date when such loan is made.

27—(1) Where it is proposed to make any loan under this Law to any person for the cultivation of crops or for reaping and making merchantable any crops, the repayment of such loan and payment of interest thereon may be secured by a charge on such crops in favour of the lender.

Charge on crops and movable property.

(2) The repayment of any loan made under this Law and payment of interest thereon may be secured by a charge in favour of the lender on such movable property belonging to the borrower on the date of the charge as the lender may approve.

(3) Every charge under this section shall be created by instrument in the prescribed form and shall describe the crops or the property affected thereby.



Memoranda  
of charges  
and of  
certain  
mortgages.  
Cap. 340

28—(1) Where any loan made under this Law is secured by a charge created under section 27 of this Law or by a mortgage of any land not under the operation of the Registration of Titles Law, a memorandum of such charge or mortgage shall, as soon as practicable after the creation of such charge or mortgage, be prepared in the prescribed form and transmitted by the lender to the Deputy Keeper of the Records.

(2) The Deputy Keeper of the Records shall keep a record of every memorandum received by him under this section, and such record shall be sufficient notice of the existence of the charge or mortgage to which the memorandum refers and may be inspected by any person without payment of any fee.

(3) Where any charge created under section 27 of this Law affects crops growing on land which is under the operation of the Registration of Titles Law, the lender shall, at the time of transmission of the memorandum of such charge to the Deputy Keeper of the Records, transmit a copy of such memorandum to the Registrar of Titles who shall, upon receipt thereof, cause a caveat to be entered against the title to the land described in the memorandum.

(4) Notwithstanding anything to the contrary contained in any Law, where any loan made under this Law is secured by a charge created under section 27 of this Law or by mortgage of any land not under the operation of the Registration of Titles Law, it shall not be necessary to record such charge or mortgage unless and until it is deemed advisable to enforce it.

(5) Every charge or mortgage of which a memorandum is recorded in accordance with the provisions of this section shall have the same force and effect as if such charge or mortgage had been fully recorded.

(6) Every person interested in any property, real or personal, affected by any such charge or mortgage shall



be entitled to have access to the original for all proper purposes and at all reasonable times.

29—A charge created under section 27 of this Law—

- (a) shall have effect notwithstanding anything contained in the Bills of Sale Law and the instrument creating such charge shall not be deemed to be a bill of sale within the meaning of that Law;
- (b) shall not be liable to be defeated by any sale of, or by a subsequent charge of any nature imposed upon, the crops or property specified in the instrument creating it.

Effect of a charge.  
Cap. 42.

30—(1) A charge under section 27 of this Law shall, so long as such charge continues in force, confer or impose upon the lender—

- (a) a right from time to time to enter upon any land on which the crops or property subject to the charge may be and to inspect such crops or property;
- (b) a right to enter upon any land on which the crops or property subject to the charge may be and to take possession of such crops or property—
  - (i) where the borrower fails to pay to the lender any money owing under the charge within thirty days after payment thereof becomes due;
  - (ii) where the borrower fails to discharge any of the obligations imposed upon him by section 31 of this Law;
  - (iii) where the borrower does any act prohibited by this Law;
- (c) a right, where possession of any crops has been taken pursuant to the provisions of paragraph (b) of this subsection, to reap, and after reaping, to sell such crops by public auction or, in default of sale by public auction, by private treaty;

Lender's rights and obligations under a charge.

- (d) a right, where possession of any property has been taken pursuant to the provisions of paragraph (b) of this subsection, to sell the property by public auction or, in default of sale by public auction, by private treaty;
- (e) an obligation, in the event of any power of sale under this section being exercised, to apply the proceeds of sale—
  - (i) firstly, in or towards payment of the expenses properly incurred in taking possession of any crops or property or in reaping and making merchantable any crops;
  - (ii) secondly in or towards payment in their order of priority of any incumbrances on such property or crops which rank prior to the charge and of which the lender has notice;
  - (iii) thirdly, in or towards payment *pro rata* of all amounts owing to the lender under the charge and to any person whose incumbrances on such property or crops rank *pari passu* with such charge,

and to pay the balance, if any, to the borrower or, where the lender has notice of any other incumbrance on the property sold, to the person legally entitled to give a discharge therefor.

(2) Where the lender desires to take possession of any crops or property pursuant to the provisions of paragraph (b) of subsection (1) of this section and the borrower refuses to deliver up immediate possession of such crops or property to the lender or hinders the lender from obtaining possession thereof, the lender may file in the Resident Magistrate's Court for the parish in which such crops or property are situate an affidavit, stating—

- (a) the sum owing on account of the loan for principal and interest;

- (b) which of the events specified in paragraph (b) of subsection (1) of this section has occurred;
- (c) that the borrower refuses to deliver up immediate possession of such crops or property to the lender, or has hindered the lender from taking possession thereof, as the case may require.

(3) A copy of the charge under which the borrower claims the right to take possession of any crops or property shall be exhibited to the affidavit required to be filed under subsection (2) of this section in relation to such crops or property.

(4) Where an affidavit is filed in accordance with the provisions of this section the Resident Magistrate may grant to the lender a warrant of possession of the crops or property to which such affidavit relates, and such warrant shall confer upon the lender the power to enter any premises upon which such crops or property may be for the purpose of reaping and taking possession of such crops or taking possession of such property.

31—A charge created under section 27 of this Law shall, so long as it continues in force, impose upon the borrower the following obligations, that is to say—

Borrower's  
obligations  
under a  
charge.

- (a) where any crops are subject to the charge—
  - (i) to maintain the cultivation of such crops in a good and husbandlike manner; and
  - (ii) to deal with and dispose of all the crops and produce reaped or gathered from the land described in the instrument creating the charge in such manner as may by agreement be provided in such instrument and until so dealt with or disposed of, to hold such crops and produce in trust for the lender;
- (b) to keep in good and substantial repair all property subject to the charge;



- (c) to permit the lender or any person authorised in writing for the purpose by the lender to inspect from time to time the crops or property subject to the charge;
- (d) not to sell except either with prior notice to the lender or in the manner agreed on and provided in the instrument creating the charge any crops or property subject to the charge;
- (e) not to remove, dismantle, or in any way alter any property subject to the charge without the prior consent in writing of the lender.

Lenders  
power to  
insure.

32—(1) Subject to the provisions of subsection (2) of this section the lender is hereby empowered to insure and keep insured, in such office or under any insurance scheme in such name or names and in such amounts as the lender may determine, any property subject to a charge under section 27 of this Law against loss or damage occasioned by fire, earthquake, civil commotion or hurricane, and the premium paid in respect of such insurance, with interest thereon at the rate of five pounds per centum per annum shall merge in and form part of the charge.

(2) Where any property subject to a charge is already insured the lender may effect an additional insurance thereon to the extent and amount (if any) which the lender may consider necessary.

(3) The receipt of the lender for any moneys payable under any policy taken out or under any insurance scheme entered into under this section shall be a sufficient discharge therefor.

(4) All moneys received in respect of any policy of insurance or under any insurance scheme upon any property subject to a charge under section 27 of this Law shall be applied at the election of the lender either in or towards the discharge of the amounts secured to the lender, or in making good the loss or damage in respect of which such moneys are received.

33—(1) Where any loan made under this Law is secured by a charge created under section 27 of this Law or by a mortgage of any land not under the operation of the Registration of Titles Law, the lender shall, upon payment of all the moneys owed to the lender in respect of such loan, prepare a release in the prescribed form stating that the crops or property specified in the memorandum to which such release relates are released from the charge or mortgage.

Release of  
charges and  
certain  
mortgages.  
Cap 340.

(2) Every release prepared under this section shall be transmitted to the Deputy Keeper of the Records who shall, upon receipt thereof, make the appropriate entry in his records to show that the crops or property specified in the memorandum to which the release relates have been released from the charge or mortgage.

(3) Where any release relates to a memorandum of which a copy was transmitted to the Registrar of Titles in accordance with the provisions of subsection (3) of section 28 of this Law, a copy of such release shall be transmitted to the Registrar of Titles who shall, upon receipt thereof, remove the caveat entered, under subsection (3) of the said section 28, against the title to the land specified in the memorandum.

(4) Notwithstanding anything to the contrary contained in any Law, every release transmitted to the Deputy Keeper of the Records in accordance with the provisions of this section shall operate as a full and effectual release of the charge or mortgage in respect of which it was made.

### *Miscellaneous*

34—The Minister may, after consultation with the chairman give to the Board directions of a general character as to the policy to be followed in the exercise and performance of its functions in relation to matters

Policy  
directions.



appearing to him to concern the public interest, and the Board shall give effect to any such directions.

Minister  
may specify  
rehabilita-  
tion periods  
and certify  
organisa-  
tions.

35—The Minister shall have power—

- (a) to make Orders specifying the days on which rehabilitation periods shall begin and end;
- (b) to certify organisations to be approved organisations for the purposes of this Law and to direct that any approved organisation shall, from such time as he may specify, cease to be an approved organisation.

Loans may  
be made  
notwith-  
standing  
contracts to  
the contrary.

36—The Board and agricultural loan societies may make a loan to any person under this Law notwithstanding any provision to the contrary contained in any contract made between such person and a third party.

Rate of  
interest.

37—The rate of interest on any loan made under this Law shall be such rate as may be fixed by the Board with the approval of the Minister.

Arbitration  
and com-  
promise.

38—The Board may—

- (a) refer any dispute arising out of any loan made by it under this Law to arbitration; and
- (b) compromise any claim made in respect of any such loan either before or after any proceedings have been instituted in respect of such claim.

Appoint-  
ment as  
agents.

39—The Board and agricultural loan societies may be appointed to be agent of the Government of this Island.

Exemption  
from income  
tax, stamp  
duty and  
other fees.

40—(1) An agricultural loan society shall be exempt from income tax.

(2) Notwithstanding anything to the contrary contained in any Law, any deed, instrument, writing or receipt relating to any loan made under this Law shall be exempt from stamp duty, recording and registration fees.



(3) The operation of any deed, instrument, writing or receipt in respect of which exemption from stamp duty, recording or registration fees is made by this section shall not be prejudiced or affected by such exemption.

41—No officer or servant of the Board shall, without prior permission in writing from the Board, borrow or receive by way of gift any money from any agricultural loan society, or stand surety for any borrower from an agricultural loan society.

Board's  
officers and  
servants not  
to borrow or  
receive gifts  
from  
societies.

42—(1) Every person who—

Offences.

- (a) obtains a loan under this Law by means of any false representation;
- (b) having obtained a loan under this Law, contravenes or fails to comply with the provisions of sub-paragraph (ii) of paragraph (a) or paragraph (c), (d) or (e) of section 31 of this Law;
- (c) wilfully applies any loan made to him under this Law to any purpose other than the purpose for which such loan was made; or
- (d) being an officer or servant of an agricultural loan society—
  - (i) contravenes or fails to comply with the provisions of section 15 or 18 of this Law; or
  - (ii) is knowingly a party to the contravention by such society of the provisions of section 14, 23 or 25 of this Law,

shall be guilty of an offence against this Law.

(2) No prosecution for any offence described in paragraph (a), (b) or (c) of subsection (1) of this section shall be begun or proceeded with after repayment of the loan has been made.

Punishment  
of offences.

43—Every person guilty of an offence against this Law shall be liable on summary conviction before a Resident Magistrate to a fine not exceeding fifty pounds or in default of payment thereof to imprisonment with or without hard labour for a term not exceeding three months.

Transfer of  
assets and  
liabilities.

44—All the assets and liabilities of the Agricultural Loan Societies Board existing immediately before the commencement of this Law are hereby transferred to and vested in the Board established under this Law.

Construction  
of references  
to certain  
organisa-  
tions.

45—(1) References in any Law, regulations, mortgage, notification or other instrument to the Agricultural Loan Societies Board or the Banana Industry Aid Board shall, unless the context otherwise requires, be construed as references to the Board established under this Law.

Cap. 5.

(2) References in any Law, regulations, mortgage, notice or other instrument to a society registered under the Agricultural Loan Societies Law shall, unless the context otherwise requires, be construed as references to an agricultural loan society.

Repeal and  
savings  
Cap. 4.

46—(1) Part II of the Agricultural Loans Law and the Second and Third Schedules to that Law are hereby repealed.

(2) The Agricultural Loan Societies Law is hereby repealed, save that subject to the provisions of sections 44 and 45 of this Law the provisions of that Law shall be deemed to continue to apply to loans made thereunder and outstanding at the commencement of this Law.

(3) Subject to the provisions of section 45 of this Law, and notwithstanding the repeal of the Banana

Industry Aid Law, the Banana Industry Aid Law, 1932, and the Banana Industry Aid Law, 1933, the provisions of those Laws shall be deemed to continue to apply to loans made under those Laws and outstanding at the commencement of this Law.

Cap. 343  
of 1938,  
Revised  
Edition  
(repealed).  
Law 15 of  
1932.  
(repealed).  
Law 25 of  
1933.  
(repealed).

# SCHEDULE

## (Section 3)

1—The Board shall consist of such number of persons, not being less than three, as the Minister may from time to time determine.

Constitution  
of the Board.

2—The members of the Board shall be appointed by the Minister by instrument in writing and, subject to the provisions of this Schedule, shall hold office for such period, not exceeding two years, as the Minister may direct in such instrument.

Appointment  
of members.

3—Every member of the Board shall be eligible for re-appointment.

Re-appoint-  
ment.

4—The Minister shall appoint one of the members of the Board to be the chairman thereof.

Chairman.

5—If the chairman or any other member of the Board is absent or unable to act, the Minister may appoint any person to act in the place of the chairman or such other member.

Acting ap-  
pointments.

6—(1) Any member of the Board, other than the chairman, may at any time resign his office by instrument in writing addressed to the Minister and transmitted through the chairman, and from the date of receipt by the Minister of such instrument such member shall cease to be a member of the Board.

Resigna-  
tions.

(2) The chairman may at any time resign his office by instrument in writing addressed to the Minister and such resignation shall take effect as from the date of the receipt by the Minister of such instrument.

7—The Minister may at any time revoke the appointment of any member of the Board if he thinks it expedient so to do.

Revocation  
of appoint-  
ments.

8—The names of all members of the Board as first constituted and every change in the membership thereof shall be published in the *Gazette*.

Gazetting  
of appoint-  
ments.

9—(1) The Board shall be a body corporate having perpetual succession and a common seal with power to acquire, hold and dispose of land and other property of whatever kind.

Incorporation.

(2) The seal of the Board shall be kept in the custody of the chairman or of any officer of the Board authorised by the Board in that behalf and shall be affixed to instruments pursuant to a resolution of the Board in the presence of the chairman or one other member of the Board and an officer thereof.

(3) The seal of the Board shall be authenticated by the signature of the chairman or any other member of the Board authorised to act in that behalf and an officer thereof authorised to act in that behalf.



(4) All documents other than those required by Law to be under seal, made by, and all decisions of the Board may be signified under the hand of the chairman or any other member or officer of the Board authorised to act in that behalf.

(5) The Board may sue and be sued in its corporate name and may for all purposes be described by such name.

**Procedure  
and  
meetings.**

10—(1) The Board shall meet at such times as may be necessary or expedient for the transaction of its business, and such meetings shall be held at such places and times and on such days as the Board may determine.

(2) The chairman may at any time call a special meeting of the Board and shall call a special meeting within seven days of the receipt of a written requisition for that purpose addressed to him by any two members of the Board.

(3) The chairman shall preside at all meetings of the Board at which he is present, and in case of his temporary absence the members present and constituting a quorum shall elect a chairman from among their number.

(4) The quorum of the Board shall be three, including the chairman or acting chairman.

(5) The decisions of the Board shall be by a majority of votes and, in addition to an original vote, the chairman or acting chairman shall have a casting vote in any case in which the voting is equal.

(6) Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed as soon as practicable thereafter at a subsequent meeting.

(7) Subject to the foregoing provisions of this Schedule the Board may regulate its own proceedings.

(8) The validity of the proceedings of the Board shall not be affected by any vacancy amongst the members thereof or by any defect in the appointment of a member thereof.

**Protection  
of members.**

11—No member of the Board shall be personally liable for any act or default of the Board done or omitted to be done in good faith in the course of the operation of the Board.

**Officers and  
servants.**

12—The officers and servants of the Board shall be such officers and servants as the Governor may from time to time appoint.

**Remunera-  
tion of  
members.**

13—There shall be paid from the funds of the Board to the chairman and other members of the Board such remuneration (whether by way of honorarium, salary or fees) and such allowances as the Governor in Council may determine.

**Office of  
chairman  
or member  
not a  
public  
office.**

14—The office of chairman or member of the Board shall not be a public office for the purposes of Part III of the Jamaica (Constitution) Order in Council, 1959.

No. 71—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

30th December, 1960

A LAW to provide for the employment of the West India  
Regiment in aid of the civil power.

[31st December, 1960]

WHEREAS by paragraph (2) of Article 58 of the Constitution of the West Indies a law of the Legislature of a Territory (as defined in that Constitution) may, notwithstanding that it relates to a matter with respect to which the Federal Legislature has not power to make laws, include provision conferring powers or imposing duties, or authorising the conferring of powers or the imposition of duties, upon the Governor-General or any officer or authority of the Federation, subject to the declaration of the consent of the Governor-General as in the said Article provided:

BE IT THEREFORE ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legis-

lative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

Short title.

1—This Law may be cited as the West India Regiment (Civil Aid) Law, 1960.

West India  
Regiment to  
aid civil  
power.

2—(1) Subject to the provisions of subsection (2), it shall be lawful for units of the West India Regiment to be used in the Island for the purpose of ensuring that law and order are maintained or that the community or any substantial portion of the community are not deprived of supplies or services essential to life.

(2) The units of the West India Regiment shall, whenever used by virtue of subsection (1) for any such purpose as is specified therein, be employed in accordance with and shall comply with such directions if any as the Governor-General may from time to time issue for the purpose.



No. 72—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

30th December, 1960

A LAW to Amend the Constabulary Force Law by providing for the formation of a Constabulary Force Band and for other matters incidental thereto or connected therewith.

[The date of any Proclamation issued by the  
Governor bringing the Law into operation.]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Jamaica Constabulary Force Band Law, 1960, and shall be read and construed as one with the Constabulary Force Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on a day to be appointed by the Governor by Proclamation.

Short title,  
construction  
and com-  
mencement.  
Cap. 72.

Insertion in  
principal  
Law of  
Part VI of  
principal  
Law.

2—The principal Law is hereby amended by inserting next after section 89 the following as Part VI of the principal Law—

“

## PART VI

### *The Constabulary Force Band*

Formation  
and com-  
position of  
Band.

90—(1) Subject to the provisions of this Law there may form part of the Jamaica Constabulary Force under this Law a Band (in this Part of this Law referred to as the Band) which shall be constituted from among the members of the said Force and shall be known as the Jamaica Constabulary Force Band.

(2) The Band shall be composed of a Director of Music, a Bandmaster and such number of bandsmen and cadets as the Commissioner may from time to time determine.

(3) The Director of Music and the Bandmaster who shall be not lower in rank than Superintendent and Inspector respectively shall be appointed by the Governor.

(4) Bandsmen and cadets shall be appointed by the Commissioner.

Appoint-  
ment of  
Band  
President.

91—For the purposes of this Part of this Law there shall be appointed by the Governor a Band President who shall be an officer not lower in rank than Assistant Commissioner.

Equipment  
of Band.

92—(1) There shall be provided for the use of the Band such uniforms, accoutrements, music and musical instruments as may from time to time be directed by the Minister.

(2) Uniforms, accoutrements, music and musical instruments provided under subsection (1) of this section shall remain the

property of the Crown and shall be duly accounted for.

Vesting and management of moneys, property etc. of Band.

93—All moneys received by or for the use of the Band other than moneys provided in the Estimates of Revenue and Expenditure of the Island, and all effects and other property belonging to the Band (but not including the equipment provided under section 92 of this Law) and the right to sue for the recovery of such moneys, effects and other property shall be vested in the Band President for the time being and his successors in office.

Attendance at drills and parades, etc.

94—Bandsmen and cadets shall attend for instruction, drill and parade and for such other purposes, at such places and at such times as the Director of Music may from time to time appoint, and shall play and perform in such numbers and on such occasions as the Director of Music subject to the approval of the Band President may from time to time determine.

Power of Commissioner to make rules.

95—The Commissioner may make rules for carrying into effect the purposes and provisions of this Part of this Law and in particular but without prejudice to the generality of the foregoing may make rules—

- (a) with respect to the enlistment of members of the Band other than the Director of Music and the Bandmaster;
- (b) with respect to the uniforms and badges to be worn by members of the Band;
- (c) with respect to the playing of the Band on public and private engagements;



- (d) prescribing the fees to be charged for performances of the Band;
- (e) with respect to the application of such fees;
- (f) for the management (including the disposal) of the property belonging to or entrusted to the Band and the finances other than moneys provided in the Estimates of Revenue and Expenditure of the Island.''.

No. 73—1960

I assent,

[L.S.]

K. W. BLACKBURNE,

*Governor*

30th December, 1960

A LAW to Amend the Factories Law.

[ ]

BE IT ENACTED by The Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and House of Representatives of Jamaica, and by the authority of the same, as follows:—

1—This Law may be cited as the Factories (Amendment) Law, 1960, and shall be read and construed as one with the Factories Law (hereinafter referred to as the principal Law) and all amendments thereto, and shall come into operation on the day appointed for the coming into operation of the Factories (Amendment) Law, 1958.

Short title,  
construction  
and com-  
mencement.  
Cap. 124.

Law 71 of  
1958.

2—Section 11 of the principal Law is hereby amended by inserting at the end of subsection (1) thereof the following proviso—

Amendment  
of section 11  
of principal  
Law.

Law 71 of  
1958.

“ Provided that every certificate of registration in force immediately before the commencement of the Factories (Amendment) Law, 1958, shall, subject to the provisions of subsection (3) of this section, expire at the end of twelve months from the date of issue thereof.”.





